

17
MR. PICKERING'S SPEECH,

IN THE

HOUSE OF REPRESENTATIVES OF THE U. STATES,

ON SATURDAY THE 25TH AND MONDAY THE 23TH

OF FEBRUARY, 1814:

THE HOUSE BEING IN A COMMITTEE OF THE WHOLE,

ON THE BILL TO AUTHORIZE

A LOAN

OF

TWENTY-FIVE MILLIONS OF DOLLARS.

GEORGETOWN:

PRINTED BY ROBERT ALLESON.

1814.

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ERRATA.

~~47~~ The *seven first lines* at the top of the *eleventh page*, should have been placed at the top of the *tenth page*. Read them as if thus transferred, and the whole will be in order.

Page 17, line 2, from the bottom, for languages read language.

19, line 7, from the bottom, after those, for were read where.

22, line 3, from the top, after partner, insert in.

And in the same line, last word, for those read these.

And in the same page, line 16, from the bottom, for came read come.

23, line 16, from the top, for pamphet read pamphlet.

And in line 21, for reseach read research.

24, line 23, from the top, for enrole read enrol.

line 29, for domicial read domicil.

line 30, for fiag read flag.

line 3, from the bottom, for frou read four.

27, line 12, from the bottom, for seaman read seamen.

33, line 20, from the top, for seamen read seaman.

43, line 19, from the top, for builing read building.

line 30, for answed read answered.

46, line 10, from the bottom, for he alone, read alone he.

47, line 17, from the bottom, for laudible, read laudable.

50, line 2, from the top, for out read not.

58, line 6, from the bottom, after navigate, insert a branch of.

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SPEECH.

MR. CHAIRMAN,

Yesterday a gentleman from Maryland (Mr. Wright) in the course of his observations on the loan bill, mentioned but one thing which I think at all necessary to notice, and that not connected with the bill; it was the old story of Jonathan Robbins—and he expressed a wish that I would inform the committee, whether the person so called was delivered up pursuant to orders from *me alone*, as the newspapers had often represented, or by the direction of the President of the United States.

This story, Mr. Chairman, has so often been got up for party purposes, I will, from my present recollection, give an account of it; although, like other “lies so oft o’erthrown,” it may be again revived, and again rung through the United States, to serve the same unhallowed party views.

Being then Secretary of State, the application for the person called Jonathan Robbins, but whose real name was Thomas Nash, came to my hands. But that the case may be correctly understood, I will read that article in our treaty with Great Britain (commonly called Mr. Jay’s treaty) which contains a mutual stipulation for the delivery of persons charged with murder or forgery.

“Article 27—It is further agreed, that his Majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers or officers authorized to make the same, will deliver up to justice, all persons who being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other; provided that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged, shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed.”

The President (Mr. Adams) having been consulted, and his express directions received, I wrote to Judge Bee, then the district judge of the United States, for South-Carolina, to this effect—That if the case of Thomas Nash, came within the purview of the treaty; that is, if the evidence of his criminality was such as

would authorize his apprehension and committment for trial, in case the offence charged had been committed within our own territory ; then he was to be delivered up to the British officer demanding him. This was done.

It will be in the recollection of gentlemen, that this man, Thomas Nash, with other ruffians, of the crew of the British frigate *Hermione*, rose on their officers and murdered them, and carried the frigate into a Spanish port in the West Indies ; Spain being then at war with Great Britain. Nash was discovered and arrested at Charleston, and the proceedings took place which I have stated. But Nash had assumed the name of Jonathan Robbins, and said he was an American citizen, born at Danbury, in Connecticut. This declaration of the ruffian, tho' entitled to no credit, was sufficient for the partisans of opposition to raise a hue-and-cry against the federal administration, which they wished to pull down. I therefore wrote to the selectmen and town-clerk of Danbury, (which was a small country village) requesting them to make diligent inquiry, whether any person of the name of Jonathan Robbins, had been born there within a period which I supposed would go beyond the age of Thomas Nash. They sent me certificates, that no person of the name of Jonathan Robbins had been born in Danbury, within forty or fifty years then last past. These certificates having been communicated to Congress, and published, put down the party clamour, and for a while the slanderers were silent ; but the ghost of Jonathan Robbins has since been repeatedly conjured up ; particularly when at any time it was convenient to bring a railing accusation against me.

I fear, Mr. Chairman, that in discussing the subject before the committee, I shall disappoint the expectations of my friends, without satisfying myself. For tho' I have been long in public life, I have been but little used to public speaking. The memory, the arrangement, and the comprehensive view of a subject, which are necessary to a public speaker, in me are deficient. I shall endeavor, however, to lay before the committee facts which I deem important, with such just inferences as shall occur to me ; relying on the discernment of gentlemen to supply the rest.

A gentleman from South-Carolina (Mr. Calhoun) has told you that the object of the minority was, to destroy the faith of the government by preventing the loan. I am indeed opposed to the loan ; but I distinguish between the faith of the administration, and the faith of my country. The credit of the country is good, and under a proper administration, acting in a cause in which the great interests and welfare of the *country* were at stake, the loan would be effected. My aim is, to put an end to this unjust and ruinous war ; and therefore I will oppose all supplies for carrying it on. It is the duty of Congress to withhold supplies, pursuant to a power vested in them by the constitution, when necessary to prevent any administration from persevering in measures injuriously affecting the public welfare.

The same gentleman told us, that it was a maxim among the Romans, "that their country was never to be presumed to be in the wrong." Had not the Roman people been influenced by this maxim; on the contrary had they questioned the rectitude of the measures of their government, and reasoned on the causes and pretences for their perpetual wars, the ancient world might not have been deluged with blood; while nations sunk beneath the arms directed by the ambitious leaders of that republic, as the continental nations of modern Europe have fallen before the arms of France; which, both in her republican and imperial state, appears to have taken Rome for her model. Any government may err, either ignorantly or corruptly, and in either case its measures tending to public mischief ought to be opposed.

The same gentleman adverting to the alleged causes of the war, the *British Orders in Council and Impressments*, said he would first consider impressments, "because a man is preferable to a bale of goods." Yet *property* is the ground of almost all the quarrels among mankind, as well between nations as individuals. It was *property*, affected by the orders in council, which was professed to be the principal cause of this war. *Property* was, in fact, the primary cause of the contest with our mother country, which terminated in the war of our revolution. Great Britain imposed small duties on a few articles of our imports from her, and claimed a right to impose others by an act of Parliament; and thus to take from us our *property* without our consent. I will therefore first enquire into the character of the

BRITISH ORDERS IN COUNCIL.

By our treaty with France, in 1800, concluded with Bonaparte himself, then First Consul, in the 12th article, it was agreed as follows:

"It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandize, with perfect security and liberty, from the countries, ports and places of those who are enemies of both or of either party, without any opposition or disturbance whatsoever, & to pass not only directly from the places & ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be, or be not, under the same jurisdiction, unless such ports or places shall be actually blockaded, besieged or invested."

In flagrant violation of this article, Bonaparte, having overturned the Prussian monarchy, and seated himself in its capital, Berlin, there, on the 21st of November, 1806, issued a decree (thence called the Berlin decree) in the preamble of which he sets forth its pretended causes, the falseness or futility of which I shall show as I proceed.

"1. That England does not admit the right of nations as universally acknowledged by all civilized people."

This general, sweeping and false declaration appears to be the text to be exemplified in the articles which follow

"2. That she declares as an enemy every individual belonging to an enemy state, and in consequence, makes prisoners of war, not only of the crews of *armed* vessels, but also of *merchant* vessels, and even the supercargoes of the same."

This charge against England might, with equal justness, be made against the United States, and all other nations; for all, including France herself, have always considered the crews of *merchant* vessels as well as of *armed* vessels, to be prisoners of war, and confined them accordingly.

"3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy state."

In this England does no more than the U. States did in the war of our revolution, and do in the present war, and what all maritime nations have ever done; that is, capture enemy's merchant vessels and merchandize found on the high seas: and to capture *them*, is the object and hope of all *our privateering*.

"4. That she extends to ports not fortified, to harbors and mouths of rivers, *the right of blockade*, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports."

This article, like the others, stating first a justifiable fact, is false in its conclusion.. The right to blockade ports, harbors & mouths of rivers, though not fortified, is not disputed by our own government; whose only complaint has been, that such places have not, in all cases *proclaimed* to be under blockade, been blockaded in *fact*, by a sufficient naval force stationed before or near them, so as to render the entrance of our neutral vessels dangerous.

"5. That she declares blockaded, places before which she has not a single vessel of war; although a place ought not to be considered blockaded, but when it is so invested, as that no approach to it can be made without imminent hazard; that she declares even places blockaded which her united forces would be incapable of doing, such as entire coasts, and a whole empire."

By a document communicated by President Jefferson to congress, in December, 1808, as one of the acts of the British government imposing an illegal blockade in the West Indies, it appears plainly that the British admiral exceeded his authority; the orders from his government being, "that the strictest naval blockade be established over the Leeward French Islands," evidently meaning, *by stationing a sufficient*

naval force before the ports so declared to be blockaded; for the British government never claimed any other right of blockade.

As to the Emperor's charge, that Great Britain had declared "entire coasts and a whole empire" to be blockaded, it is one of those unfounded assertions which he can utter with great facility, particularly when Great Britain is the subject of reproach. The declaration of the most extensive blockade of a coast by the British government, that I have any knowledge of, was that from the Elbe to Brest; which I shall take an opportunity to explain. (1)

On such false and fallacious grounds the French Emperor issued his Berlin decree; of which the following are the articles most pointedly violating our neutral rights, and his treaty with the United States, as well as the rights of Great Britain under the law of nations.

"Art. 1. The British islands are declared to be in a state of blockade."

This, in its terms, subjected to capture, by the French cruisers, all neutral vessels entering or attempting to enter any British ports; and nothing but the absolute inability of the Emperor to execute this part of his decree, prevented its being carried into effect.

"Art. 4. All magazines, merchandise, or property what soever, belonging to a subject of England, shall be declared lawful prize."

[1.] The blockade from the river Elbe to Brest.

On the 16th of May, 1806, the British government issued an order declaring the coast, rivers and ports, from the river Elbe to the port of Brest, to be in a state of blockade. The practicability of such a blockade has been denied by our government: but since nearly the whole of our own coast, of much greater extent, has been *actually blockaded* by the British, the practicability of the former ought no longer to be doubted. It is notorious, that if one of our merchant vessels, and even our public armed vessels, get out or in, without encountering the British ships, it is for the most part owing to their superior sailing. But the fact is, and our government well knew, that by the order of the 16th of May, it was the intention of the British government to *open*, not to *shut*, the ports from Elbe to Brest (excepting a small part of them from Ostend to the river Seine, already in a state of strict and rigorous blockade) so as to allow neutrals to carry on what has been called the colonial trade with those ports. This was clearly the intention of the British government by the terms of the order itself; and so Mr. Monroe understood it. In his letter of May 17, 1806, to Mr. Madison, he says:

"Early this morning I received from Mr. Fox a note, a copy of which is inclosed, which you will perceive embraces *explicitly* a principal subject depending between our governments, though in rather a singular mode. The note is couched in terms of restraint, and professes to extend the blockade further than was heretofore done; nevertheless, it takes it from many ports already blockaded, indeed from all east of Ostend and west of the Seine, except in articles contraband of war and enemies' property, which are seizable without a blockade. And in like form of exception, considering every enemy as one power, it admits the trade of neutrals, within the same limit, to be free, in the productions of enemies' colonies, in every but the direct route, between the colony and the parent country."

With this, not only Mr. Monroe, but our administration appeared satisfied, until for the purpose of criminating G. Britain and favouring France, it was made a subject of complaint against the former; and offered as an apology for the latter in issuing the Berlin decree.

The object of this article was, to authorize his ministers and officers to seize on all property of British subjects, wherever found, especially in *neutral territories*, where, by the law of nations, it should have been secure, and sacred as neutral property itself: but no *rights* have been regarded, where the *power* of the French Emperor could extend.

“Art. 5 The trade in English merchandize is forbidden. All merchandize belonging to England, or coming from its manufactories and colonies, is declared lawful prize.”

By this article, the manufactures of England, and the productions of her colonies, *although the property of citizens of the United States, or of other neutrals*, became liable to capture and condemnation. If its immediate execution against American vessels, in the European seas, did not take place, it was owing to causes not explained; and not to the Emperor's intention to dispense with it; as he subsequently declared that he had made no exception in favor of the United States. It was in fact executed against our vessels by some French privateers in the West Indies, as was stated by Mr. Madison himself.[2]

But the great object of the Berlin decree was, *to blockade the ports of the continent of Europe* against the entrance of British vessels, and of the vessels of every nation laden with the manufactures or productions of Great Britain or of her colonies and dominions; in order to ruin her commerce, and thereby destroy her power, which so eminently depended on the wealth and revenues arising from commerce. And on the continent, the decree was carried into immediate execution; at Hamburg within four days from its date; although that city formed an independent neutral state, entitled to entire exemption from military coercion and violence. The French minister there caused all English merchandizes, “*no matter to whom they belong*,” to be seized and confiscated. The same course was directed to be pursued in all other places, enemy or neutral, occupied, or which should be occupied by French troops.

On the last day of the next month, December, 1806, the treaty negotiated with the British government, by Mr. Monroe and Mr. Pinkney, was signed. But before the signing, the British commissioners mentioned to our ministers this outrageous decree of Berlin, which threatened to subvert the rights and independence of neutral powers: and for the information of their government, delivered to them a note declaring, that “if the enemy (France) should carry those threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations; his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his

[2.] Mr. Madison's letter of May 22, 1807, to gen. Armstrong in Paris. After mentioning the necessity of orders to French cruisers, to prevent their capturing our vessels, according to the tenor of the Berlin decree, Mr. Madison adds—“There are proofs that the West India privateers have, under colour of the edict, committed depredations which will constitute just claims of redress from their government.”

enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects."

In the mean time, to check and counteract the violence of France, in actual execution, on the continent, against British commerce, and against all trade in the manufactures and productions of the British dominions, the British government issued their order in council of the 7th of January, 1807, prohibiting, not all commerce with France, as she, by the Berlin decree, had forbidden all commerce with England—but ordering "that no vessel shall be permitted to trade from one port to another, both which ports shall belong to, or be in possession of France or her allies, or shall be so far under their controul, as that British vessels may not freely trade thereat." This Mr. Jefferson called "a new law of the ocean;" although similar to, but less rigorous than an old and established law of France, which prohibited neutral vessels laden, in whole or in part, at one port of an enemy, to go the ports of *any other country than their own*, whether allied to France, neutral or enemy.[3] The great object of the British order was, apparently, to prevent neutral vessels carrying on the coasting trade of France, and the intercourse by sea between her and her allies; for the naval power of Great Britain having either captured, or driven from the ocean, the trading vessels of her enemies, they were constrained to resort to neutral vessels to carry on their commerce with one another, and in a greater or less degree, their coasting trade.

This very candid and friendly notice of the course Great Britain might be obliged to pursue, if neutral nations submitted to the Berlin decree, was represented by President Jefferson, as cause of offence to the U. States, and that no treaty, accompanied with the terms of that note, would be admissible. I know it will be said, that our government did not submit, but demanded an explanation of the Berlin decree. It is true that an explanation was asked of the French minister of marine, Decres, and that he, contrary to the spirit and letter of the decree, said it was not intended to infringe upon the treaty, then subsisting between the U. States and France; but added, that *he* was not competent to decide; and that application must be made to the minister of foreign

[3.] The marine ordinance of France, issued by Louis XIV. in 1704, in amelioration of former rules, and re-enacted by Louis XV. in 1744, with some alterations to conform the ordinance to certain treaties, contains the following regulation:—

"Article VI.—Vessels belonging to subjects of neutral states, which shall depart from the ports of a state the enemy of his majesty, and there have taken their lading, in whole or in part, to go to the states of any other prince than their own, whether allied to his majesty, neutral or enemy, may be stopped and brought into his kingdom, and shall be declared good prize with their lading, even although laden on account of the subjects of his majesty, or of an allied or neutral state."

France and her allies, and to have armed our ships, if necessary, for the protection of our commerce; which, owing to the small number of French cruisers, would then have sustained but little injury. [4.] Instead of taking this safe and honorable course, our government contented themselves with the absurd explanation of the minister Decres, until the Emperor himself declared it erroneous and unfounded, and that no exception was intended in favour of the U. States.

Such was the state of things when Great Britain, having waited almost a year, seeing the Berlin decree operating most injuriously to her commerce with the European continent, all its ports (those of Sweden excepted) being shut against her; Russia, pressed by the French arms in 1807, having also adopted the French Emperor's Continental System, pursuant to the treaty of Tilsit—in this state of things the British government issued their Orders in Council, of November 11th, 1807. These orders have been pronounced to be contrary to the law of nations, and unjustifiable; and this opinion proceeding from men in power, and other citizens of distinction, became, probably, the current

[4.] Such an arming, vigorously conducted, for the protection of our commerce, would have saved thirty millions of dollars in property, belonging to our merchants, seized, taken and confiscated by the French emperor and his allies subsequent to his Berlin decree. And by such resistance we should also have prevented the issuing of the British orders in council of November, 1807, under the operation of which, vessels and merchandize to a large amount, have been lost to our merchants.

In February, 1811, I requested the late Thomas Fitzsimons, Esq. of Philadelphia, one of the best informed merchants in the United States, to give me his opinion of the amount of losses sustained by the citizens of the U. States from French captures, seizures and confiscations. He answered—"I think the amount would exceed fifty millions of dollars." Then mentioning the treaty concluded with France on the 30th of September, 1800, (Bonaparte then first consul) in which all claims of our merchants for spoliations on their commerce, up to that time, were relinquished, Mr. Fitzsimons says, "the universal opinion was that the treaty abandoned claims for unjust captures to the amount of *twenty millions of dollars*." He then adds—"The late seizures in Italy, Holland, Antwerp, &c. [all places under the controul of the French emperor] and the late *reprisals*, as they are called, [under the emperor's peculiarly iniquitous Rambouillet decree] certainly exceed *thirty millions*, independently of the property now in jeopardy in the North of Europe."

The above mentioned claims were abandoned, because there was hardly a distant hope, that the French government would ever pay to our citizens the twenty millions of dollars, of which, in the captures of their vessels and merchandize, they had been despoiled by French cruisers; and because, in consideration of that abandonment, the French government renounced its pretensions to have the old treaties revived, especially the entangling treaty of alliance.

As to losses sustained by our merchants attempting to carry on trade with France and her allies and dependencies in contravention of British regulations, Mr. Fitzsimons says—"It may not be unuseful to add here, that as respects British captures, they were very large in amount; but that above 4-5ths of the condemnations made in the vice admiralty courts were reversed upon the appeals. Nevertheless, owing to the sacrifice by sales of the property, and the exorbitant charges of the officers, the recoveries seldom exceeded one half of the actual value."

affairs, *Talleyrand*, then with the Emperor at Berlin. Whether such an application was ever made, or answered if made, has not been publicly known.

The obviously proper course to have been taken by our government, was, to have demanded, not an *explanation* of a decree which was too plain to require one, but its *revocation*; and upon the refusal to revoke, to interdict all commercial intercourse with opinion in the United States. But for my own part, from the moment that I read those orders, I considered them as justifiable on the ground of retaliation, and on the *principles* of public law.—Of the correctness of my own opinion, however, I should have entertained some doubts, had it not been confirmed by the opinions of gentlemen, among my friends, who were as conversant with public law, and thought as profoundly, as any citizens of the U. States. Among these was one of the first of men*—perhaps the brightest luminary that ever shone on this western hemisphere.

The French Emperor, by his Berlin decree, and his orders for carrying it into complete and rigorous execution, had subverted the public law of Europe; and by his arms and influence, had brought all the nations (Sweden excepted) to bear against England alone; *all thus conspiring for her destruction*. What should she do against a world in arms? What would the sense of such impending danger, and the duty of self-preservation, suggest to any nation? [5.] Certainly to retort upon those combined enemies and conspirators, the evils of their own injustice and violence; and as they had taken new and extraordinary measures to deprive her of commerce; that she should retaliate and interdict all commerce with them. This she did by her orders in council, and in my view, on the principles of reason and public law. [6.]

* The late Chief Justice PARSONS, of Massachusetts.

[5.] It is in a case of this kind that the opinion of the celebrated Bynkershoek, on maritime law, may be introduced. He says—"But if we take for our guide *Nature*, that great teacher of the law of nations, we shall find that every thing is lawful against an enemy as such." If ever this principle was applicable in its most extensive sense, it was in the actual forlorn situation of Great Britain, and the hopeless condition of the continent, at the time here referred to.

[6.] The grounds on which these orders in council were issued, are stated in their preamble to be the establishing of an unprecedented system of warfare against Great Britain, and aimed especially at the destruction of her commerce and resources, by the Berlin decree, which declared the British Islands to be in a state of blockade; thereby subjecting to capture and condemnation all vessels with their cargoes which should continue to trade with the British dominions; and prohibiting all trading in English merchandise, which, whether coming from her colonies or her manufactures, was declared lawful prize:—That the nations in alliance with France, & under her controul, were required to give, and had given, and continued to give effect to that decree—that the order in council of January 7, 1807, was issued either to compel the revocation of the Berlin decree, or to induce neutral nations to interpose with effect to obtain its revocation; but which, on the contrary, had then been recently enforced with great rigor: and that under these circumstances, the British government found itself compelled to take further measures for asserting and vindicating the rights of Great Britain, and

—In every new case, to which existing laws do not extend, reason is to be consulted—“*reason* whose authority (says Bynkershoek) is of so much weight in the law of nations”—“*reason* which is the *soul* of the law of nations.”—The municipal laws of a single state, when circumstances are changed, undergo corresponding changes; and when new cases arise, new laws are framed to provide for them. And such a new state of things had been introduced into the civilized world, by the ambition, injustice & tyranny, of the French Emperor; justifying and requiring on the part of the nations not yet subjugated, new and extraordinary measures to provide for their safety and independence.—On these grounds, the British orders in council have appeared to me perfectly justifiable; and consequently that they never furnished any cause or pretence for the present war; a war on

supporting her maritime power: “the maintenance of which was not more essential to the safety and prosperity of her dominions, than it was to the protection of such states as still retained their independence, and to the general intercourse and happiness of mankind.”

Then followed the orders in council of Nov. 11, 1807, declaring, that “all the ports of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which, although not at war with his majesty, the British flag was excluded, and all ports or places in the colonies belonging to his majesty’s enemies” should be subject to the restrictions of the most rigorous blockade. But the orders proceed to state, that although his majesty would be fully justified, by the circumstances above recited, to establish such a system of rigorous blockade; “yet being desirous not to subject neutrals to any greater inconvenience than was inseparable from his determination to counteract the designs of his enemies, and to retort upon them the consequences of their own violence and injustice;” and being yet willing to hope that “it might be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply;” and even to leave open, for the present, such trade with his majesty’s enemies as should be carried on directly with the ports of his majesty’s dominions, or of his allies, *in the manner thereafter mentioned.*—Therefore, such trade of neutrals with enemy colonies was permitted, so far as regarded articles for their own consumption: and also, in the manner prescribed, they might trade with the enemies of Great Britain, *on the payment of certain duties* required on the importation into Great Britain of goods destined for the territories of her enemies, and countries under their controul, and executing the Berlin decree against G. B. These are the duties to which the name of “tribute” has been given; a name selected in order to render G. Britain and her orders the more odious; seeing one nation really under tribute to another, must be considered as dependent and degraded. The true state of the case is simply this—If in the actual state of the world, in 1807, when the French emperor *had subverted the whole law of nations*, and, in effect, *reduced the small number of nations remaining free from his yoke, to a state of Nature*, in which *Reason*, and not *ancient rules*, was to be resorted to for direction: if under such circumstances Great Britain was justifiable [as many citizens, to whom I have before referred, believed, & as I think, on solid grounds] in *absolutely interdicting all commerce of neutrals with her enemies and their associates*—then if she was willing to relax her system founded on rigid right, in favor of neutral commerce—*she had a right to prescribe the conditions under which it should be carried on*; whether by the payment of duties, or otherwise. And it would seem, that by demanding such duties, Great Britain expected to receive an *equivalent* for the *benefits* which her enemies would derive from the trade of neutrals.

our part, as *unnatural* and *cruel* as it was *unjust*. But instead of resenting and resisting, as we ought to have done the Berlin decree, our government commenced a system of restrictive measures; in *form* levelled equally against France and G. Britain, but *really* intended to injure Britain only, while they aided the cause of France. This brings me to the consideration of a subject, old and stale, indeed, but of essential importance to be well understood; and which therefore I will re-examine—I mean

THE EMBARGO, OF DECEMBER, 1807,
the fruitful and immediate source of all the evils which have since afflicted our country; producing non-intercourse and non-importation, and terminating, as to the United States, in the greatest of all evils, WAR.

It will be recollected, that just before this embargo was laid, the United States vessel *Revenge* arrived from France, with despatches from our minister General Armstrong. They arrived at Washington on the 14th of December 1807. By the *Revenge*, news was brought that the French emperor had said *there should be no neutrals*. This indeed, was not long after gravely denied; but at length it came out in General Armstrong's own despatches, that the emperor had said, *the United States shall take the positive character of allies or enemies*. But the people of the United States were not then prepared for a war against Great Britain. A gradual training for some years was requisite to bring them to that point. Nor were they prepared to adopt, knowingly, Bonaparte's *continental system*; it could be introduced only under the disguise of an EMBARGO; a name universally understood to mean a very temporary suspension of the sailing of vessels for some special occasional purpose.

Four days only after the arrival of the despatches from France President Jefferson sent to Congress the following message:

“To the Senate, and House of Representatives of the United States.”

“The communications now made, shewing the great and increasing dangers with which our vessels, our seamen, and merchandize, are threatened on the high seas, & elsewhere, from the belligerent powers of Europe; and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantage which may be expected from an inhibition of the departure of our vessels from the ports of the United States.”

“Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

“I ask a return of the letters of Messrs. Armstrong and Champagny, which it would be improper to make public.

TH: JEFFERSON,

December 18, 1807.”

The "communications" consisted of *four* papers; the first a proclamation by the king of Great Britain, dated the 16th of October, 1807, "for recalling and prohibiting British seamen from serving foreign princes and states." This proclamation had been published in our newspapers. It was a newspaper copy Mr. Jefferson communicated to Congress. Far from having excited any alarm it naturally *lessened* the public apprehensions on the subject of impressments; because, altho' it commanded British naval officers to seize and take, as usual, *British natural born subjects*, from on board foreign *merchant* vessels, they were strictly enjoined "to permit no man to go on board such ships and vessels belonging to states at amity with Great Britain, for the purposes of so seizing upon, taking and bringing away such persons aforesaid, for whose discreet and orderly demeanour the said captains could not answer; and that they should take especial care that no unnecessary violence be done or offered to the vessel, or to the remainder of the crew, from out of which such persons should be taken."

The *second* paper was a letter (bearing date Sept. 18, 1807) from the French grand judge, Regnier, to the imperial procureur (or attorney) general of the Emperor's council of prizes, containing the Emperor's declaration concerning his Berlin decree. To the question, "1. Can armed vessels under that decree, seize, in neutral vessels, either English property, or merchandize proceeding from the manufactures of the English territories? His majesty notifies me, that since he had not thought proper to express any exception in his decree, there is no ground to make any in the execution, with respect to any thing whatsoever." "2. His majesty has not decided the question, whether French armed vessels may possess themselves of neutral vessels going to or from England, although they have no English merchandize on board." Why this decision was delayed does not appear. Probably it was for the purpose of watching for some favorable conjuncture, when the few French cruisers that could venture to sea might make a more extensive sweep of neutral vessels, thrown off their guard by a temporary forbearance.

Of these two papers no secret was made; and for a plain reason, that both had been published in the newspapers; the British proclamation at full length, and the essential part of the letter of the French grand judge.

The *third* paper was general Armstrong's letter to the French minister Champagny, simply asking whether the Emperor, by his Berlin decree, intended to violate his treaty with the United States! And the *fourth* paper was Champagny's answer, announcing, with the usual assurance of a French minister, that it was easy to reconcile the measures adopted under the Berlin decree with the observance of treaties! I will read these two letters.

Gen. Armstrong's letter to M. Champagny.

"Paris, Sept. 24, 1807.

"SIR,

"I have this moment learned, that a new and extended construction, highly injurious to the commerce of the United States, was about to be given to the imperial decree of the 21st of November last. It is therefore incumbent on me to ask your excellency an explanation of his majesty's views in relation to this subject, and particularly whether it be his majesty's intention, in any degree, to infract the obligations of the treaty subsisting between the United States and the French empire?

"I pray your excellency, &c. &c.

"JOHN ARMSTRONG."

The answer of M. Champagny to Gen. Armstrong, dated October 7, 1807.

"SIR,

"You did me the honor, on the 24th of September, to request me to send you some explanations as to the execution of the decree of blockade of the British islands as to vessels of the United States.

"The provisions of all the regulations and treaties relative to a state of blockade have appeared applicable to the existing circumstance, and it results from the explanations which have been addressed to me by the imperial procureur general of the council of prizes, that his majesty has considered every neutral vessel going from English ports, with cargoes of English merchandize, or of English origin, as lawfully seizable by French armed vessels.

"The decree of blockade has been now issued eleven months. The principal powers of Europe, far from protesting against its provisions, have adopted them. They have perceived that its execution must be complete, to render it more effectual; and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infractions, by England, of the rights of all maritime powers, render their interest common, and tend to unite them in the support of the same cause.

"Accept, &c. &c.

"CHAMPAGNY."

Here we see that Armstrong's & Champagny's letters exhibit no new source of danger to our seamen, ships and merchandize; but on the contrary, refer directly to the emperors decision in Regnier's letter already published in substance, and not attempted by Mr. Jefferson to be concealed. Why then did he say that Armstrong's and Champagny's letters ought not to be made public—and, with over abundant caution, desire the return of them to himself? The answer is easy. Had the letters been published, the bold imposture would have been detected. Although the majorities in the two houses of Congress, reposing a blind confidence in Mr. Jefferson, did not discern the imposition, citizens abroad would, at the first glance, have discovered and denounced the

cheat ; and the nation, shocked at the contemplated mischief, would not have acquiesced in the measure. But a mystery was thrown over the transaction, by the solemn withdrawing of those two harmless letters, which, it was natural for the people to suppose, contained the evidences of the mighty dangers against which the entire shutting up of our ports was a necessary precaution. The project succeeded ; and the people, for near fifteen months, endured all the evils and losses of a suspended commerce and navigation, which had given employment and subsistence to some hundreds of thousands of citizens on the seaboard, and general prosperity to the country. But what ought to be the surprize of gentlemen, after all this mysterious secrecy about the two letters of Armstrong and Champagny, to be informed, that precisely three months after passing the embargo law, to wit, on the 22d of March, 1808, Mr. Jefferson, of his own accord, laid these same letters openly before Congress ? But how ? mingled with a mass of other documents, making now a printed volume of upwards of five hundred pages ! And strangers would not suspect, nor members of Congress know (unless they had good memories) that the two letters had any relation to the embargo.

I have called the two letters *harmless* ; and so they were, as to any indications of increased danger to our seamen, ships and merchandize ; but in Champagny's may be seen the latent cause of the embargo. I have before remarked, that the essence and main operation of the Berlin decree, declaring the British Islands in a state of Blockade, was the shutting up of the ports of the European continent (thence called the continental system) against all British ships, and against all the manufactures and productions of the British dominions, in neutral ships ; for the purpose of reducing & destroying the commerce of G. B. and with that her naval power. And the French minister tells Gen. Armstrong, that the principal powers of Europe, far from protesting against the provisions of the Berlin decree of blockade, had adopted them ; and that they had perceived, " that its execution must be *complete*, to render it more effectual." And what was wanting to render it *complete* ? Nothing but to shut up, in like manner, all the ports of the United States, between which and the British dominions commercial intercourse was of vast extent, and alike advantageous to both countries. And this adoption and completion of the French emperor's CONTINENTAL SYSTEM, was effected under the deceitful name of EMBARGO.

I pray gentlemen to remember, that this embargo was recommended *solely* and *absolutely* on the great and increasing dangers to our seamen, ships and merchandize, pretended to be manifested in the four papers communicated with Mr. Jefferson's message. Now I will show, from his own documents, that both he and Mr. Madison (then secretary of state) knew, and soon after acknowledged, that no such dangers existed.

Mr. Madison, in his letter of March 25, 1808 (only three months subsequent to the embargo law) to the British minister

here, Mr. Erskine, referring to the Berlin decree, represents it as a mere declaration of the French Emperor, either *without the intention or without the means*, to carry it into effect against the United States; and therefore not authorising the retaliatory measure of the British orders in council.

But still earlier, on the 8th of February, 1808, only seven weeks after the embargo was imposed, Mr. Madison, writing to gen. Armstrong, and pronouncing the Berlin decree, as construed and enforced by the Emperor, to be as well a violation of our treaty with France, as of the incontestable principles of public law—declares, “The conduct of the French government, in giving this extended operation to its decree, and indeed in issuing one with such an apparent or doubtful import against the rights of the sea, is the more extraordinary, *inasmuch as the inability to enforce it on that element, exhibited the measure in the light of an EMPTY MENACE.*”

And now, sir, who can think with patience on the extensive mischiefs brought on the people of the United States by this embargo, when the Berlin decree, in which the alleged increased danger lay, was known, and so soon after was acknowledged to be an EMPTY MENACE? though solemnly declared by Mr. Jefferson “to show great and increasing dangers to our vessels, seamen and merchandize!”

I am aware, Mr. Chairman, that it may be, as it has been said, that the British orders in council were a principal cause of the embargo; but, sir, well known facts and the public documents demonstrate the assertion to be unfounded. The President, as I have said, rested his recommendation of an embargo solely on the papers he communicated; and in the Senate (of which I was then a member) while the embargo bill was before it, not one word was said of British orders in council. Further, Mr. Madison in his letter, dated December 23, 1807 (the day after the embargo law was passed) to Mr. Pinkney (our minister in London) says, “I avail myself of the opportunity to enclose you a copy of a message from the President to Congress, and their act *in pursuance of it*, laying an immediate embargo on our vessels and exports. The *policy* and the *causes* of the measure are explained in the message itself.” It is true, that about two months afterwards, when the British orders in council had become known, Mr. Madison made some change in his language. It was then *convenient* to do so. In his letter of Feb. 19, 1808, to Mr. Pinkney, he says—“my last, which was committed to the British packet, inclosed a copy of the act of embargo, and explained the *policy* of the measure;” artfully omitting “causes,” and adding, “among the considerations which *enforced it*, was the probability of such decrees as were issued by the British government on the 11th of November; the languages of the British gazettes, with other indications, having left little doubt that such were medita-

ted." But, sir, this was an *after-thought*, eagerly laid hold on by the advocates of the administration, to appease the growing discontents of the people, suffering under a total interdict of their commerce, without any known cause. To put this miserable pretence at rest, I will recur, in confirmation of the evidence, I have already given, to the report of the committee of foreign relations, made to the House of Representatives on the 22d of November, 1808, of which Mr. George W. Campbell (now secretary of the treasury) was the chairman. In that report, the committee, endeavoring to repel the charge of acquiescence in the unlawful aggressions of either France or England, say—"The Milan decree of December, 1807, can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month, *since those orders, which have not certainly been acquiesced in, were not even known in America at the date of the decree.*" Now the decree of Milan was issued in Italy, by the French emperor, on the 17th of Decombes, 1807; and it was on the morning of the next day, in this city, that Mr. Jefferson recommended to Congress the laying of the embargo. It was grounded, as I have shown, *solely* on the papers communicated with this message; three of which, and the only ones which presented even the semblance of danger, had recently arrived from France. I may mention another fact corroborating the evidence, that the embargo was laid in concert with the French government, or in conformity with its views. Letters were received in America, from merchants in Holland, stating that Gen. Armstrong had said that a general embargo would take place in the U S immediately on the arrival of the *Revenge*. And the fact was (as I have before stated) that in 4 days after the despatches by the *Revenge* had reached Washington, the embargo was recommended. Still further, we know that the French emperor "applauded the embargo"* & that he issued his Bayonne decree, April 17, 1808, directing all American vessels which should thereafter come into the ports of France to be seized; because no vessel of the United States could then navigate the seas without violating the embargo law. And thus, while he, so well pleased with the embargo, as it came in aid of, and rendered complete, his continental system, issued a decree to assist in carrying it into perfect execution, our administration,† directing General Armstrong to "remonstrate against the injustice and illegality of the French decree" (that of Berlin, for the Milan decree had not then reached America) suggested, that the embargo would be continued until the Berlin decree should be repealed! This farce might *amuse*, but for the serious and extensive mischiefs which flowed from it.

But it has been said, that prior to the embargo, there were rumors, and newspaper reports, of orders contemplated by the British government like those issued in November, 1807: And did

*Letter of August 5, 1810, from the French minister, the duke of Cadore, to Gen. Armstrong.

†Mr. Madison's letter to Gen Armstrong, dated February 8, 1808.

ever an intelligent legislator think of taking *rumors* and *newspaper reports* for the foundation of a *law*? especially of a law which shut up the ports and interdicted the commerce of a whole nation—a commerce the *second* only in the world for its extent? The pretence is as shameful as it is ridiculous.

One more remark: the embargo law was unlimited in the terms of its duration; and doubtless was intended, by its projector, to be commensurate in length of time with the French Emperor's continental system; that is, with the continuance of the European war; by the termination of which, had the people suffered the embargo to remain, we should have had neither seamen, ships nor merchandize. *And this, probably, was the wished for consummation.* For in Mr. Jefferson's Notes on Virginia, after a plausible flourish on commerce, and a navy for its protection, he says—"Perhaps to remove as much as possible the occasions of making war, *it might be better for us to abandon the ocean altogether*, that being the element whereon we shall be principally exposed to jostle with other nations: *to leave to others to bring what we shall want, and to carry what we can spare.* This would make us invulnerable to *Europe*, by offering none of our property to their prize, and would turn all our citizens to the *cultivation of the earth.*"—"It might be time enough to seek employment for them at sea when the land no longer offers it."

I have gone back to the EMBARGO, because, though it was not the first attempt to interrupt a friendly and useful intercourse with Great Britain, yet it was the first *great measure* levelled against *her*, and against *our own commerce and prosperity.* It was the first great link in that chain of ruinous measures with which we have been bound for the last six years, and the fruitful source of all the evils with which we have been afflicted; it produced non-intercourse, non-importation, and WAR. For the embargo having been imposed (as I have demonstrated) in concert with, or in subserviency to France, could not be abandoned without some substitute. And this was the NON-INTERCOURSE LAW. The people being unwilling to submit any longer to the continental system, which having for fourteen months shut up all our ports, was driving them to beggary and ruin. The ports therefore were opened, and our vessels permitted to depart, and carry with them our productions and merchandize to all countries, except those of France and Great Britain and their dependencies. The effect of this absurd measure (originating partly in the pride of the administration, who had relied so much on the efficacy of their *restrictive energies*) was seriously injurious to ourselves, by compelling our merchants to send their cargoes to other countries than those where they were chiefly to be consumed.

This absurd non-intercourse law, though perfectly acquiesced in by Great Britain, was used by the French Emperor (whom in construction and practice it was really intended to favor) as a pretence for his decree of Rambouillet, under which American property, to the amount of some millions of dollars, was seized

in the ports of France and her dependencies, and confiscated: while all American property in English ports remained perfectly secure. For the non-intercourse law itself expired at the end of the succeeding session of congress, which was the 28th of June, 1809; after which American vessels resorted freely to English ports, some to French ports, and many to the ports of the dependencies of France, which gave the opportunity to the French Emperor to make the extensive seizures I have mentioned. The like difference of conduct was exhibited on the ocean. By British armed ships our merchant vessels (not destined to French ports) were convoyed and guarded; while by the French cruisers they were burnt, or captured and carried in and condemned.[7]

[7] The Rambouillet decree of the French Emperor was distinguished for its unexampled iniquity. On the first of March, 1809, congress passed the non-intercourse law, which so far repealed the embargo law, as to permit the departure of our merchant vessels with their cargoes to all countries, excepting Great Britain and France, and their colonies and *dependencies*, or places in the actual possession of either. This non-intercourse law was to expire, by its own limitation, at the end of the next session of congress; and by a law previously passed, the next meeting of congress had been fixed for the 4th Monday in May, 1809.

This law was published in the American newspapers, which, of course, went to France; and an official copy of it was delivered by Gen. Armstrong; "with sufficient promptitude" (as he has stated) to the French government. A whole year elapsed without any known complaint against the non-intercourse law. In that time, American vessels with rich cargoes resorted to the ports of Holland, Spain, Italy and Naples; countries which our own government *chose* to consider as *independent*, although known to be the real "dependencies" of France; some of the ports in Spain excepted, which the patriot Spaniards, by the effectual aid of British forces, had rescued from her grasp.

In this state of things, with such vast American property within his reach, the French Emperor, on the 23d of March, 1810, issued his decree at Rambouillet, ordering to be seized and sold all American vessels and their cargoes which had entered, or should enter the ports of France and her *dependencies* after the 20th of May, 1809. And the French minister, the Duke of Cadore, declared to Gen. Armstrong, that this decree was an act of reprisal for the non-intercourse law, which prohibited the entrance of French vessels and French merchandize into the ports of the United States after the 20th of May, 1809. But the entrance of British vessels and British merchandize was in the same manner forbidden; yet the British government acquiesced. Our own government intended, unquestionably, to favor France, by permitting American vessels to carry cargoes of merchandizes really wanted by her, to the ports of Holland, Spain, Italy and Naples, from some of which ports their conveyance to France would be easy; and all those countries, Spain excepted, being then under the perfect controul of Bonaparte, might justly be considered as parts of the French empire. Yet this very distinction between France and those dependent countries, gratuitously made by our own government in favor of France, the Emperor affected to resent, and to consider as another reason for seizing and confiscating American property.

But this Rambouillet decree and its execution are stamped with marks of singular atrocity. It was not issued until near nine months after the non-intercourse law had expired! and was not made known until the 14th of May, 1810, when it was published in French newspapers, (which appeared to be the first notice of it obtained by our minister in Paris) and carried into immediate execution!

The non-intercourse law being about to expire, another law was introduced and enacted, giving power to the president to revive the most material sections of the non-intercourse law; one being that of non-importation, against either of the two great belligerents who should not revoke his decrees or orders when revoked by the other. And this power was exercised against England upon the *pretended* repeal of the French decrees: although as soon as was practicable after their *actual* repeal, the British government revoked their orders in council: those orders which were made a chief cause for declaring war; and the revocation of which, had the knowledge of it arrived in time, would, as the hon. speaker has admitted, have prevented the declaration. But their revocation was *expected* by our administration; and therefore it was, unquestionably, that the declaration of war was *hastened*, was *precipitated*, lest the news of the revocation should arrive and prevent it. The evidence that the revocation was so expected, appears in a letter from Mr. Russell to the Secretary of State, bearing date the 17th of September 1812, purporting to recite a conversation between him and Lord Castlereagh, in which Mr. Russell says—"As to the supposed ignorance in America of the revocation of the orders in council, at the time my instructions were dated, I observed, that if this ignorance did in fact exist, yet, from certain expressions in those instructions, an expectation of such a measure seems to have been confidently entertained, and the orders in council appeared no longer to form an obstacle to a reconciliation." Now the first instructions here referred to, are dated only 8 days after the war was declared! And yet neither the want of troops, nor the want of money to support them, nor any other considerations, could prevail on the government to *postpone* the declaration, even for a very short period, though strenuously urged, particularly by Mr. Bayard, in the Senate.

That this war was declared (as the unlimited embargo had been enacted) in concert and co-operation with France, a long train of proceedings, gradually preparing the public mind for that result, leave little room to doubt. The time too, which was chosen for the declaration, confirms the opinion of such concert and co-operation: for it coincided with the movements of the French army for the invasion of Russia: and this new war would naturally divert a part of the naval and military forces of Great Britain from a prosecution of the war against Bonaparte in Europe, to the protection of her own territories in America. But there is direct evidence that the minister of the United States in Paris (Mr. Barlow) knew that war would take place between the United States and Great Britain, long before the news of it could have travelled from America to France.

Congress declared war against G. Britain on the 18th of June 1812. In that summer, captain John White of Salem, master of a ship then in one of the French ports was at Paris, and there Mr. Barlow told him that this war would take place. The informa-

tion is stated in a letter which I hold in my hand, from a gentleman of reputation, who took it from the mouths of his father and his fathers partner trade (gentlemen whom I have known those forty years, and who are entitled to full credit) who derived their information from Henry White, a brother of capt. John White. Those two merchants meeting Henry White (they think a little after the war took place) stopped to talk with him. "Among other questions, they asked him if he did not expect his brother from France soon? No, says Mr. White, and immediately, of his own accord, mentioned his reason, which was, that they (the owners of the ship commanded by John White, of whom Henry White was one) had just received a letter from his brother John, informing them that he had been assured by Mr. Barlow, that there would be war between the United States and England immediately; and this would probably detain him (capt. White) in France, till he could proceed with more safety than at that season of the year. He requested them in this letter to endeavor to get him exchanged as soon as possible, in case he should be taken."

I shall now, Mr. Chairman, consider the question of
IMPRESSMENTS.

The gentleman from S. Carolina, (Mr. Calhoun) with his *usual courtesy* of language, said, that "to the shame of gentlemen in the opposition, they tried to diminish the number of impressed seamen"—that gentlemen most nearly concerned in the protection of seamen, were opposed to the measures of government intended for their relief; & felt less sympathy for our seafaring citizens than those who had no immediate connection with them. These are very extraordinary charges; and the supposition is so unnatural, that those whose fathers, sons & brothers are exposed to impressments, should feel less sympathy for them than was felt by gentlemen from the interior, and who never saw a sailor or ship till they came to this city, that the gentleman ought to have paused before he brought this accusation against us; he ought to have doubted its correctness. We do feel for our seafaring brethren as we ought; but have no purpose to answer by gross exaggerations of the numbers impressed: we wish to come at the truth of facts. That there should exist such superior and extreme sensibility for impressed seamen among those who have no immediate connection with them, is in the nature of things incredible; we are authorised to doubt the sincerity of such professions, and the gentleman (Mr. Calhoun) who allows himself to call the members on this side of the house, a "factious opposition," must excuse me if I say that I do not believe those professions to be sincere.

The gentleman from S. Carolina (Mr. Calhoun) said that "if the facts and nature of the case were not disguised, there would be but one mind among the people." Here I am happy to agree with the gentleman. The subject has indeed been disguised—but not by us. I will strip it of its disguise, by which the people have been deceived; and endeavor to present it in the simple garb of truth.

British impressments of American seamen have constituted a subject of discussion between the two governments for more than twenty years—yet no practical remedy, satisfactory to both, has yet been discovered. This proves that the question involves great intrinsic difficulties. But these proceed from the novelty of our condition—a part broken off from a nation speaking the same language—the division and separation of children of the same family, and not from the general nature of impressment, when one nation takes its own seamen from the merchant vessels of neutrals speaking different languages. The right of every maritime nation thus to take away its own subjects, must rest on the principle of allegiance, which all men owe to the country in which they were born. The practice of the two great maritime nations of Europe, England & France, I will now exhibit to the committee from the pamphlet I hold in my hand, entitled “Perpetual War, the policy of Mr. Madison.”—This pamphlet was written by a gentleman whom I well know, a gentleman distinguished for his learning and abilities, for his knowledge of the common law and of the law of nations—and not less distinguished for his integrity and patriotism. Sir, I think myself honored when I call this gentleman my friend. On the diligence of research and accuracy of quotation by such a man, we may confidently rely.

On the practice of Great Britain, he says—“The first instruction I have met with, was one issued by the Earl of Northumberland, Lord High Admiral of England, to Sir John Pennington, dated April 4. 1640.

“As you meet with any men of war, merchants, or other ships or vessels, belonging to any foreign Prince or state, either at sea, or in any road where you or any of his Majesty’s fleet may happen to come, you are to send to see whether there be any of his Majesty’s subjects on board: and if any seamen, gunners, pilots or mariners (whether English, Scotch or Irish) be found on board, you are to cause such of his Majesty’s subjects to be taken forth, and so disposed of as they be forth coming to answer their contempt of his majesty’s proclamation in that kind.”

The writer here remarks, that “by the proclamation here spoken of, is intended the usual proclamation issued by all sovereigns; in the present war, by France, Denmark, Spain and England, ordering home all their seamen from the service of foreign states, neutral as well as belligerent.” He continues:

“The above cited instruction was repeatedly carried into effect, and the particular cases are cited by writers on this subject. In a very famous case in the year 1687, four Scotchmen and a boy were taken out of a Dutch ship of war; and complaint having been made by the Dutch government, it was referred to the Judge of Admiralty, Sir Richard Raines. The memorial complained, that this practice might be inconvenient to foreign ships in stress of weather, and would hinder merchant ships in their voyages, &c. To which Sir Richard Raines replied. “As if his majesty must be deprived of the use of his own subjects for his

own expeditions, that *foreigners* might use them for *theirs*.”—
The pamphlet goes on—

“We find that the same claims, the same objections, and the same rational and just answers were made in the reign of James the II. as at the present day. In the reign, however, of Charles the II. great complaints having been made of the search of *foreign ships of war*, the instructions were modified so as only to include *merchant vessels*; and the *instructions and practice have continued the same from that period to the present*.”

“It appears that these instructions have been executed both against the Dutch & French; & have been issued to every officer, in every war, for nearly two hundred years, and the writers who speak of the right in the reign of Charles II. call it an ancient and acknowledged right.

THE PRACTICE OF IMPRESSMENT BY FRANCE.

The writer of the pamphlet says—“The authority I shall cite, will be Mons. Le Beau, *now superintendant* in Paris, of the details of the laws relative to the marine and the colonies. I have, however, in every case, taken, not the inferences of Mr. Le Beau, but the laws and ordinances themselves.”

“By the laws of France, ever since the reign of Louis XIV. all French seamen are classed; and there are regular officers appointed to enrol and licence them. Without such an enrolment no man can exercise even the boat or fishing navigation.”

“By an edict of February, 1650, all masters of vessels being French subjects, are forbidden, whether they are domiciliated in France or not, that is, whether they have acquired another domicial or home in a foreign country or not, to take commissions from, or use any other flag than that of France, under the penalty of being treated as pirates.”

“By an edict of August, 1676, the pain of death, which had been before inflicted upon all the subjects of France, found in the service of foreign states or princes, was changed for that of service in the galleys for life.”

By an edict of October, 1784, it is provided, that “any classed seamen, who shall in time of peace be found serving in foreign ships, shall be sentenced to fifteen days confinement, and reduced to the lowest wages, and shall serve two years extraordinary at the lowest rate: but those who in time of war shall be arrested in *foreign ships*, or passing into foreign countries, shall be sentenced to three years service in the galleys.”

The writer of the pamphlet after showing that France, like England, maintains, in respect to her native subjects, the doctrine of perpetual allegiance, “concludes with stating one out of many cases in which France has carried these principles into effect on the seas.”—“In the year 1806, Admiral Willaumez, in a French ship called the *Foudroyant*, met with an American brig and forcibly took out from French seamen, who had entered in this country. Not content with *impressing them*, he wrote as follows, to Gen. Turreau, ambassador of France:”

“My Lord, I have just apprehended 4 seamen deserters from the *Valeureuse* frigate, which I found on board an American brig, where they had engaged at 17 dollars a month. Now, sir, if you can succeed in making the American government pay down a compensation for thus seducing our seamen, you will punish it in a manner it feels most, its avarice, as those people have been for three years seducing our best men from us.”

Having, Mr. Chairman, exhibited the evidences of the long established practice of impressment by the two great nations with whom our relations are the most interesting, and mentioned the general principle on which that practice is founded, I will consider its application to the U. States in relation to G. Britain.

That the *right* of any sovereign in Europe, to take his natural born subjects found on board neutral merchant vessels, should not there have been questioned, is to be accounted for from the simple fact, that the doctrine of allegiance, on which the right of such taking or impressing is founded, is not itself called in question.— And the *exercise* of the *right* was not attended with any difficulty; because the nations of Europe speaking different languages, it was easy to distinguish the subjects of each, and thus to avoid the mistakes and hardships of which we complain.— The principle of allegiance, and the long usage of the European nations, have constituted the law on this subject; and by maintaining our connection with that civilized portion of the world, and *in forming a part of that society of nations, we must consent to be governed by its public law.* The division and separation of one people, and so forming *two* nations speaking the same language, can make no change in the nature of things: and it as little comports with *decency* as with *reason*, that because *we* at present suffer some inconvenience from it, we should demand that this general law of nations should be abolished. As the *British right* of impressing their native subjects from neutral merchant vessels is incontrovertible, so is *ours*; and that government has publicly declared, that we have the same right to take our native seamen from her merchant vessels, that she claims and exercises in taking hers from our merchant vessels.

What then is to be done? A new case has occurred—an evil has arisen out of it—and a remedy is wanting: but after more than twenty years of claims, discussions and negotiations, a remedy has not yet been found: and because it is not found, our government makes war on G. Britain, to compel her to abandon an incontrovertible *right*, or to discontinue its exercise in a manner equivalent to such abandonment! There *can* be no remedy but that which shall result from negotiations fairly conducted, and with a *sincere* desire to provide a *new rule* adapted to this *new case*; and until that be discovered, Great Britain will neither abandon the right nor suspend the practice.

We may now, Mr. Chairman, I hope, with clearer views, examine the conduct of our government on this difficult subject.

Mr. Madison has maintained the position, That although the law of nations allows a belligerent to *enter and search* neutral vessels for the *persons and property* of *enemies*, yet that it does not permit him to *enter & search* the same vessels for *his own subjects and his own property*.

I have already attempted, and I hope successfully, to show why no positive rule in this case has been found in writers on the law of nations—because the right being unquestioned, no positive explicit rule was necessary. In a case so clear, “*reason*, whose authority is of so much weight in the law of nations,” was a sufficient guide.

But after admitting the right of a belligerent to enter and search neutral vessels, on the high seas, and to take away the persons and property of his *enemies*, would it not seem strange if he had no right to enter and search and take away what without question was *his own*? Why is he allowed to take his enemies and their property? Because he has a right, and it is his duty, to lessen their power and means of continuing the war. But of how much more value is a *subject* who will actively contribute to carry on the war, than the person of an *enemy* who must be supported at great expence, and require, as guards, the subjects who would otherwise be employed in the field or on ship-board in reducing the enemy’s power? The *ocean* is nature’s vast *common*, where all nations have the right to enter; where all have equal jurisdiction; and where each has the right to search for and take his *own*; whether persons or property—This, to unadulterated reason, seems so plain, that to deny it must shock the common sense of mankind.

It is also said, That a belligerent who enters on board a neutral merchant vessel to search for and take his own subjects and their property, violates the *sovereignty* of the neutral nation; and that to submit to it, would be to surrender its *independence*. If there can be any violation of sovereignty and independence in this case, it must be by the *entry and search*, and not by doing that for which alone the entry and search take place. But as the entry and search in one case is not imagined to violate the sovereignty and independence of the neutral, neither can it in the other.

With regard to the number of native American seamen on board British armed ships, since the war, I think it probable that as many native British seamen have served on board our own. I have received information entitled to credit, that about half the crew of the *Constitution*, when she took the British frigate *Java*, were of foreign origin, British, Danes, Swedes, &c. and that half, or rather more than half of the foreigners were English, Scotch and Irish. Altho’ British seamen, in order to get protections and employment in American vessels, do not hesitate to declare themselves to be Americans, yet the natural frankness of a sailor, and many circumstances difficult to be long concealed, discover, in the course of a voyage, to what country he belongs. There is nothing very extraordinary in

British seamen serving in our ships. I well remember in our revolutionary war, having understood that many British seaman entered on board our private armed vessels, and that an experienced British sailor for the important station of boatswain was then deemed a great acquisition.

Mr. Madison, in his letter of January 5, 1804, to Mr. Monroe (then our minister in London) supposes, very preposterously, that of the seamen impressed from American vessels, very few were British subjects; because of the applications made to the ministers and agents of the United States, in London, to obtain their release, only about one twentieth were detained as real British subjects. But in cases that were clear, as the greatest part must have been, as to real British subjects impressed, no such applications would be made. British naval officers, well acquainted as they must be with the manner of speaking peculiar to the Scotch and Irish, and to Englishmen in many parts of England, where their speech has peculiarities almost as distinct as those of the Scotch and Irish, would seldom fail to distinguish all these from native Americans. The "twentieth part," therefore, mentioned by Mr. Madison detained as British subjects (being, by his statement, 102 out of 2059 who had been impressed from 1793, when the war between England and France commenced, to September, 1801) must have consisted of those few who had the confidence to declare themselves to be Americans, and hoped to escape detection. Of that whole number, he says 1142 had been discharged, or ordered to be so, as not being British subjects. Discharges of some others had been previously obtained on the applications of our ministers, Mr. Pinckney and Mr. King.

I will now, Mr. Chairman, present to the committee a train of facts which must convince every candid mind, that the accounts of the numbers of impressed native American seamen have been vastly exaggerated; and that instead of six thousand and upwards, according to the official statements, probably not as many hundreds were then held under impressments.

Mr. Chairman, before I exhibit the evidence in my possession, it is proper for me to inform the committee, that an attempt was made in Massachusetts, to ascertain, by official investigations, the number of seamen belonging to that state, who had been or who were then impressed, by G. Britain, France, or any foreign power, by requiring the selectmen and assessors of the several towns, districts and plantations, to examine and make returns thereof, to be laid before the legislature. For this purpose a resolve was passed in the house of representatives, but was rejected by the senate of that state. The members of the latter body had been elected in the *Gerrymander* districts into which the state had been formed, unconstitutionally, and in open outrage of all the regular institutions and arrangements of the state from its foundation, and of that order and decorum which had distinguished the country from the early settlement of the pro-

vince. Every gentleman (it is presumed) now understands the meaning of the word *Gerrymander*, first applied in Massachusetts to a district *monstrously* distorted, for the purpose of carrying elections suited to the views of the then temporarily dominant party. Mr. Gerry (now the Vice President of the United States) being then the governor, and approving of the act, the *monster* was called after him, the *Gerrymander*. Other districts were similarly distorted: and the expected effect ensued. Of forty senators to be chosen in a state decidedly federal, twenty-nine were democrats. It was this democratic majority, in their political year 1812—13, which negatived the resolve I have mentioned, in order to *prevent the discovery of the truth relative to impressments*: the purposes of the party being better promoted by *shutting the light from the eyes of the people*, and talking of *thousands* of impressed seamen, when the probability was that the number was comparatively small.

Although disappointed in their fair attempt to ascertain, by official returns, the precise number of seamen in the whole state who had been impressed, whether natives or foreigners, and of the latter, to what nations they belonged; the measure adopted by the committee of the house of representatives enabled them to exhibit a body of facts, from which a tolerably correct opinion might be formed of the whole number of impressed seamen, not of the seaports only, but of all the towns (which there mean *townships*) and places in the state. Their Report to the house I hold in my hand. Annexed to it are fifty depositions relative to impressments, by merchants, masters of vessels and others, without distinction of political parties. It would be improper to repeat here such a mass of evidence; but if any gentleman desire to examine it, the pamphlet is at his service. I can read only some parts of it.

Mr. William Gray, formerly of Salem, now of Boston, so well known for his wealth and the great extent of his shipping and commerce, deposes and says—"I have been engaged in commerce and navigation 40 or 50 years, and have for the last 15 or 20 years employed about 300 seamen annually, upon an average.

"I recollect the following cases of impressments and detentions of my seamen. In the year 1811, while one of my vessels, the *Rachel*, was at Leith, in Scotland, two of my men, to wit, Samuel Tuck, and I think Israel Foster, were impressed from the vessel; one of them I understood escaped from the man of war, and reached my vessel before she left Leith; the other I understood effected his escape with the aid of a waterman at Liverpool. *I cannot recollect any other cases of impressments by the British from my vessels*: but from the multiplicity of my business, it is almost impossible for me to remember the individual cases—I have no doubt the aforesaid Tuck had a protection.

"I recollect no cases of impressments and detentions by the French, except the three *Swedes* taken soon after the affair of

the Chesapeake, and which are stated in my letter to col. Pickering, in the year 1808.

“ I have had whole crews taken in my vessels when they have been captured both by the English and French : but I do not mean to say that the men in those cases were impressed or detained by those nations.”

[The whole deposition was read, together with several others, but they would occupy too much room to be printed here. Mr. Gray mentions four other cases, within his knowledge, of impressments of men belonging to Salem. One was released on his application—he did not know what became of the other three.—Four fishermen were impressed off Halifax ; they belonged to Salem, were sent for, and immediately released. He mentions a letter from the supercargo of a ship belonging to Philadelphia, on which he was an underwriter, stating that her whole crew had been impressed : but Mr. Gray adds, that the captain in his protest made no mention of the impressment of the crew. He thinks he recollects three or four more cases of men impressed, generally from Salem. The other cases mentioned by Mr. Gray, are omitted as not material here, and because these with all others in the depositions are comprehended in the summary reported to the house of representatives of Massachusetts.]

It will be proper, Mr. Chairman, that I inform the committee of the occasion on which Mr. Gray wrote me the letter mentioned in his deposition. Mr. Jefferson, in his message of Dec. 18, 1807, having pretended that one reason for recommending an embargo was to save our seamen from impressments, I wrote to my friend, Mr. Goodhue, (formerly a senator in congress from Massachusetts) for information concerning impressments. He put the letter into the hands of Mr. Gray, who, on the 8th of January (17 days only after the embargo law had passed) sent me the following answer, which is subjoined to his deposition.

“ SALEM, Jan. 8, 1808.

“ Sir—Our mutual friend, Mr. Goodhue, has shewn me a letter, in which I think you ask what is the extent of the complaint against the British for impressments of our seamen. I have taken the liberty to give you my opinion, that since the Chesapeake affair we have had no cause of complaint. I cannot find one single instance where they have taken one man out of a merchant vessel. I have had more than twenty vessels arrive in the time, without one instance of a man's being taken by them, *except three Swedes that were taken out by a French frigate.*—I have made inquiry of the commanders of all the vessels that have arrived in this vicinity, and cannot find any complaints against the British cruisers. *I think the British engaging that our national ships shall not be searched, ought to satisfy us on that head.* I presume the only cause of the embargo was the threat of Bonaparte, that he would put his decree of Nov. 21st in force. This I think was not sufficient to justify so strong a mea

sure. May we expect the embargo will be off soon—or *must we wait to hear from France?* When you have a moment's leisure, will you write what is the prospect of the times, as particular as you can consistently? You know my whole estate is in navigation and foreign commerce; and it is a very eventful moment with such property. I cannot think it possible that we shall be *mad* enough to go to war with either of the two great nations.

I am respectfully, sir, your most ob'dt serv't,
WILLIAM GRAY.

Hon. TIMOTHY PICKERING,
Senator United States, Washington."

Mr. Gray, as is now generally known, has since gone over to the ranks of democracy—has loaned money to the government to carry on this "mad" war for sailors' rights, which he knew were in so small a degree affected; and after saying, that if the British would engage not to search our *national* ships (as they had done in the case of the Chesapeake) we ought to be satisfied!

Colonel Israel Thorndike, of Boston, deposed that for the last ten or twelve years (excepting the time of the embargo) he had usually employed more than two hundred seamen annually, on an average; and that he had not more than six or seven men, to his recollection, impressed during that period. He enumerates them—six were foreigners, and one an African, who in a state of intoxication, at Liverpool, entered into the British service. He mentioned one more, who had been impressed twenty years ago, in some port in England. One of the officers of Col. Thorndike's vessel requested him to declare himself an American; but he said, *he would not deny his country*, and surrendered himself. In a few years afterwards he returned to his family in Massachusetts.

Commodore Bainbridge stated that during all the time that he was in the merchants' service, he had but one man impressed.

Captain Hull (of the navy) deposed that during the five or six years when he was in the merchants' service, he never had any men impressed from his ships, either by the British or French.

Captain William Story, of Marblehead, deposed that he had been master of a vessel for ten years (from 1797 to 1807.) He does not say that *he* ever had a man impressed. But in 1794, being in the East Indies, at a British port, mate of a ship, he says, ten men were taken from her; of whom *four* had consular protections, and he was satisfied they were Americans. "The other 6 I expect were Englishmen," are his own words. He had *heard* of ten native seamen impressed, and from whom letters had been received by their friends—and he mentions the names of 6 more natives whom their friends *suppose* to have been impressed. Cap. Story (a warm partizan of the war for sailors' rights) adds one more to his list—a native who had been taken by the British *on board one of our privateers!* It was said he was a Por-

tuguese: but Captain Story says "documents were sent down for his release, and he has returned home."

It will be proper to examine the *facts* in the cases mentioned by Captain Story. Of the *ten* cases he had *heard* of, it appears by the depositions of Messrs. Nathaniel Hooper and B. T. Reed, merchants of Marblehead, that

- 3 were taken on board of French vessels, two of them privateers, and had their choice to be prisoners of war, or to enter on board the British ships; they chose to enter.
- 2 found on board British ships, and *supposed* to have been impressed.
- 1 had for misconduct been left on shore in Europe by his American master—and had since written that he was under impressment.
- 3 had been released and had returned home.
- 1 had returned home, as Captain Story states.

10

One of the *six* in Captain Story's deposition, *supposed* to have been impressed, had also been released. It is probable that the remaining five of these *supposed* impressments might be satisfactorily accounted for, could the investigation be made.

Captain Andrew Harraden, of Salem, deposed that he had been master of a vessel about twenty years, and never had a man impressed by the British. One was impressed by the French; but he was returned next morning.

Captain Josiah Orne, of Salem, deposed that he had been master of a vessel about twenty years, and never had any man impressed by the British, except in one instance, by a frigate from which one of the men impressed had deserted but three months before, the other was "a green Irishman who had a broad brogue." Both, however, had *protections* as American citizens, which they had procured at New-York.

Captain Moses Townsend, of Salem, (also of the war party) deposed that he had been engaged in commerce about thirty years, and was master of a ship about twenty years. He never had any men impressed, except once when at Bristol in England. They were taken in the evening, and upon his application released the next day. He knew one native impressed, who remained in the British service till his death; and one other who said he had been under impressment some years, but had been released. He then mentions seven others who, he understood from common report, had been impressed; but all of whom (one excepted) had, he believed, been released, and returned home.

This cursory view of impressments, Mr. Chairman, as exhibited in the few depositions I have noticed (and the rest are like them) must satisfy every mind, open to conviction, that the actual impressments of our *native* citizens must have been *very few*; and of these, that nearly all had been released. The summary,

therefore, reported to the Massachusetts House of Representatives, last year, by their committee, presents just such a result of the evidence afforded by the depositions, as might have been expected. The report states, that it appeared from the deposition of the merchants who were examined, & who had been engaged in commerce & navigation for ten, fifteen and twenty years past, that the whole number of seamen they had employed, upon an average of the last twelve or fifteen years (deducting the period of the embargo) amounted to about 1560 annually; that of this number, *for that whole period*, the committee had found the following cases of British impressments, to wit:

American seamen	12
Foreign seamen	23
	—
Total	35
Of which number there had been discharged,	
Foreigners	6
Americans discharged	9
escaped	2
	—11

Leaving, of the *twelve* Americans impressed as above, but *one* who has not returned.

The whole number of men impressed (excepting the few found on board the captured ships of war, of which an account is given among the depositions) of which evidence had been given to the committee, including, not only cases within the personal knowledge of the witnesses, but also cases they had *heard* of from the friends of the impressed seamen, in such manner as entitled them to credit, amounted, with the foregoing, to

Add cases of <i>supposed</i> impressments	147
	10
	—
	157
By the British	145
By the French	11
By the Portuguese	1
	—157

Of the whole number, there were

Americans	107
French Louisianian	1
Foreigners	47
Unknown	2
	—157

Of the Americans there were

Discharged on application	51
Escaped	9
Entered	4
Died	3
Detained	8
Supposed to be detained	20
No account given	12

—
107

Mr. Chairman—As much complaint has formerly been made that some British navy officers paid but little or no regard to sailors' *protections*, or custom house and consular *certificates of citizenship*, a few facts will shew to how little respect a great portion of them were entitled. Mr. Josiah Waters, who had been 14 years a clerk in the custom house at Boston, while gen. Lincoln was the collector (and in whose time it appears that great care was taken to detect and reject forgeries and false witnesses relative to seamen) deposed, "that in many cases the seamen used to bring as witnesses to prove their citizenship, the masters of boarding houses; and in some instances, the same masters of boarding houses were brought so often as to excite suspicions of their veracity, and their oaths were not afterwards admitted." Mr. Waters adds—"I have destroyed hundreds of false *protections*."

Mr. William Parsons, merchant, of Boston, deposed, that in the year 1806, his ship *Meridian* received her crew at Norfolk, in Virginia, whence she sailed to Rotterdam; in coming out of which port, one man was impressed by a British sloop of war, as a British seamen. The British officer said, that if the man himself would say that he was an American, he would give him up; but the man would not do it; though he said he had a wife in America. When Mr. Parsons paid off this crew they informed him, that *they had bought their protections at Norfolk, for two dollars a-piece*. And there was but one of the crew (a Connecticut man) whose real name was the same as that in his protection. This appeared on the enquiry of Mr. Parsons for their true names when he paid them, and they gave receipts for their wages.—"Many of them had forgotten the names they went by in their *protections*."

The facility with which British seamen may be obtained to man American merchantmen, even in British ports, is exemplified in the following instance. Some years ago, in this city (as some of my fellow boarders, still members of this house, will recollect) Captain Ham, of Portsmouth, in New Hampshire, informed us, that being at Bristol, in England, he wanted a crew for his ship. Upon enquiry, he was told, that for a guinea or two a head, *the master of the press-gang would procure hands for him*. It was done: and the landlord of a sailors' boarding house furnished American *protections*. The landlord took out some bundles of *protections*, and selected such as most nearly answered to their respective descriptions. It seemed that *protections* came to the hands of such landlords either as pledges, or as the actual payment for the board of sailors.

A few years ago, when Dr. Mitchell, of New York was a senator in congress, I remember his stating, in his place, that one-third or two-fifths of the seamen of that city were British subjects and other foreigners; and mentioned with what facility,

and for how few cents, American protections were obtained for them.

I have been told by a nephew of mine who resided in Charleston, South-Carolina, seven years, from 1786 to 1793, that he was then informed, that only two seafaring men of that port were natives of that state—one of them a master of a vessel, the other, I think, the son of an English family which had settled there.—The summer before last, a gentleman of that city, (who is known by the honorable Speaker to be a person of reputation) travelling in Massachusetts was pleased to call to see me, though personally a stranger. In the course of conversation, I repeated the above information, that at the time mentioned, there belonged to the port of Charleston only two seamen natives of South Carolina. “There are more now,” said the gentleman. “How many do you think?” I asked. He answered, “fifty.” Now, Mr. Chairman, if my memory serves me, by the official return of the tonnage of vessels belonging to Charleston, about the year 1809, the amount was not much short of forty thousand tons, besides about eight thousand tons in coasting craft. And reckoning six men to a hundred tons for the first, say thirty-eight thousand tons, more than two thousand seamen would be requisite to man the vessels of Charleston engaged in foreign trade. These were, consequently, composed of citizens from the Northern states and foreigners, and of the foreigners, a very large proportion must have been British subjects.

I wish, Mr. Chairman, to present one more view of this subject of impressments; the result of an examination of the public documents, about a year ago, by one of my colleagues. By those documents, the grand total is the well known number 6257 From which he deducted for the same name, and apparently the same person, twice, thrice, or more times repeated 548

For an excess arising from some errors between the returns of 1805 and 1808 757 1305

Leaving 4952

From which he deducted

For acknowledged British subjects	516	
those who had no protecting documents	568	
those with insufficient documents	664	
those who had entered voluntarily	281	
those with fraudulent protections	195	
deserters	95	
those married in Great Britain	42	
neutral aliens and natives of the West Indies	50	
prisoners of war	21	
	—	2432

Leaving 2520

From this number he deducted one-third, which appeared to him, from the documents, rather less than the full proportion of seamen impressed from British merchant vessels, in which, if not British subjects, the American flag could afford no pretence for protection	840
Leaving	1680
From the last number he deducted those who had been discharged, or had been ordered to be discharged,	1524
Leaving unaccounted for	156

But doubtless some of those noted as without documents, or with insufficient documents, were Americans, and might swell the sum total of impressments to a few hundreds of native Americans, instead of six thousand.

One fact more, Mr. Chairman, on this subject, indicating how small is the number of native Americans that are impressed. By official returns made last year to the Legislature of Rhode Island, the whole number of citizens of that state under impressment, amounted to *nineteen*, with which the gentlemen present from that state are acquainted.

But, Mr. Chairman, attempts have been made to justify this war for "sailors' rights," by the doings of the federal administration, under the presidents Washington and Adams; and passages in my own official letters on the subject have been read, and with a tone and emphasis which it was thought, perhaps, would strike me dumb. Of those letters, written from 13 to 17 years ago, when secretary of state, I had no particular remembrance. The administration have now hunted them up with great diligence, and for my own part, I feel no regret. Always accustomed to think freely, and to speak and write what I think, I have never any dread of exposure. Thinking too humbly of myself to imagine that I can avoid errors in opinion, I am, when convinced, not too proud to acknowledge them. But, sir, on reading the passages referred to, I do not find this apology to be necessary. I must be allowed to repeat them, with some additions and remarks.

On the 8th of June, 1796, I thus wrote to Mr. King, our minister in London:—"Among the articles left unadjusted [when Mr. Jay concluded his treaty] one of the most interesting regards the impressing of American seamen." "The long but fruitless attempts which have been made to protect them from British impresses, prove that the subject is in its nature difficult." "The simplest rule, as remarked to Mr. Pinckney, would be, that the vessel being American, should be evidence that the seamen on board her are such." This "simplest rule" is but the repetition of Mr. Jefferson's words in his letter of July 11, 1792, to Mr.

Thomas Pinckney, then our minister in London. I then add—
 “But it will be an important point gained, if on the *high seas* our flag can protect those, of whatever nation, who shall sail under it. And for *this*, humanity, as well as interest, powerfully plead. Merchant vessels carry no more hands than their safety renders necessary. To withdraw them on the ocean, is to expose both lives and property to destruction. We have a right then to expect that the British government will make no difficulty in acceding to this very interesting provision.” In my zeal, Mr. Chairman, to protect American citizens and their property, on the high seas, it did not then occur to me that it was always in the power of American merchants to provide for the safety of both by excluding British subjects altogether from their vessels. Had this been done voluntarily, or by the compulsion of laws enacted for that purpose by ourselves, we should no longer have heard of the impressment of American seamen. But the merchants would have been extremely unwilling to have been put under this constraint. By the destruction of the mercantile marine of France, Spain and Holland, the demand for American and other neutral vessels, to carry on the commerce of those three nations, was so rapidly increased, that without British seamen, *one-fourth* of our merchant vessels must probably have remained unmanned. At the most prosperous period of our commerce, we had probably fifteen thousand British seamen in our merchants’ service.— In saying that our own merchants could provide for the safety of their vessels on the high seas, by excluding British seamen, I mean, that from their more intimate knowledge of our own country, they would seldom fail to discover, on putting a few questions to a sailor, whether he was or was not born in the U. S. The British officers who impress seamen, for want of that local knowledge, must often be deceived: hence, in part, the multitude of *English* seamen remaining in our merchants’ service, in the days of our prosperity, notwithstanding their exposure to impressment.

In the same letter I mention three classes of seamen who ought to be secure from impressment: those born in our country—those, wherever born, who were citizens at the definitive treaty of peace—and foreigners whose language would at once prove that they were not British subjects. The fourth class consisted of British born subjects who had become citizens and inhabitants subsequent to the treaty of peace. Of this class I say—“it may be *attempted* to protect them as well in time of war as of peace.”

In reference to the difficulties thrown in the way of our agent employed in the West Indies, to procure the discharge of American seamen, I say, in my letter of September 10, 1796, to Mr. King—“If the British government have any regard to our rights, any respect for our nation, and place any value on our friend-

ship, they will even facilitate to us the means of relieving our oppressed citizens." [8.]

In my letter to Mr. King of October 26, 1796, having mentioned the British impressment of a Dane and a Portuguese, I remark—"This surely is an abuse easy to correct. They cannot pretend an inability to distinguish these foreigners from their own subjects: and they may with as much reason rob American vessels of the property or merchandize of Swedes, Danes and Portuguese, as seize and detain in their service the subjects of those nations found on board American vessels."

In a letter to President Adams, dated Feb. 20, 1800, I mention the project of Mr. Liston (the British minister here) of a treaty, having for its object the preservation of American seamen from impressment--while it should secure to G. Britain the services of her own seamen: which project I disapproved, and deemed "utterly inadmissible, unless it would put an end to impressments, which Mr. Liston seemed to imagine; while the 7th paragraph expressly recognized the right of impressing British subjects, and consequently American citizens, as at present." The last idea is inaccurately expressed--its meaning is, that in exercising the right of impressing *British* subjects, some American citizens would be impressed, for the reason often mentioned--the impossibility, sometimes, of distinguishing one from the other.

These, Mr. Chairman, are the most material passages in my letters; which, from the manner of exhibiting them, some gentlemen seemed to imagine would confound me. But, with a single exception, I see nothing to change. Where abuses exist, I have censured, and shall always censure, those who commit them, of whatever nation they may be. The exception I refer to respects only the intimation of a doubt of the *right* of the British to impress their own subjects found on board neutral merchant vessels, on the high seas. I did not then know the antiquity of the British practice, nor the corresponding practice of France;

[8.] Oppression often takes place, not as the result of a system of government, but of the perverse disposition of individual officers. The passage quoted from my letter of September 10, 1796, to Mr. King, has reference to the conduct of Admiral Sir Hyde Parker, at Jamaica. His predecessor on that station, allowed to the American agent there the means of liberating American seamen, by legal process, in which their citizenship was ascertained, and such were discharged. Sir Hyde Parker, succeeding to the command, forbade his officers to submit to the process. His morose temper was felt by his fellow subjects, the British sailors, who therefore gave him the name of Vinegar Parker. In the present war, in our own country, we have frequent accounts of oppression and outrage exercised on our own citizens by men bearing commissions under the authority of the United States; yet no one imputes such wrongs to the government. But such highly reprehensible conduct as that of Sir Hyde Parker, was probably not repeated, by any other commanding officer. And for some years before the war was declared, the injunctions of the royal proclamation (of the 16th of Oct. 1807) were no doubt generally observed.

nor had ever attempted to trace that practice up to its principle. My enlightened friend, who wrote the pamphlet I have before mentioned, I believe was the first to perform this task: and he performed it in a manner which, I should have presumed, would have satisfied every candid mind.

The letters of chief justice Marshall, written when he was secretary of state, have also been seized upon by gentlemen, to aid them in their attempts to justify a war, which is professed to be continued solely on account of British impressments. In his letter of Sept. 20, 1800, to Mr. King, he says—"The impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and honor of the nation."—"No right has been asserted to impress the natives of America: yet they are impressed; they are dragged on board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve, until conclusive testimonials of their birth can be obtained." Yes, *conclusive* testimonials: for the evidence arising from the common "protections," although it was not then well known that false and fraudulent protections abounded, must now appear of the feeblest kind.

"The right to impress those who were British subjects [from American merchant vessels] has been asserted, and the right to impress those of every other nation has not been disclaimed. Neither the one practice nor the other can be justified." No one more highly respects chief justice Marshall than I do: but this opinion (that the right claimed and exercised by G. Britain to impress her own subjects from neutral merchant vessels was not justifiable) was not pronounced after an investigation and discussion of the subject before him as a judge. The truth is, I believe, the question had never, in this country, been examined on its principles, until as I have already said, it was done by my friend before referred to.

"The United States require positively, that their seamen who are not British subjects, whether born in America or elsewhere, shall be exempt from impressments." Here the Chief Justice strongly expresses the same sentiment that I had done, that *foreigners*, not British subjects, should be exempt from impressment, because their different language precluded the possibility of mistake.

"The case of *British subjects*, whether naturalized or not, is more questionable." This observation of the Chief Justice is a departure from the positive opinion before expressed; and would confirm the justness of my remark, *that the question had not then been examined on its principles*: yet he adds, "but the right even of doing this is denied." [9]

[9.] Mr. Madison himself has always admitted the right of G. Britain to impress her own subjects from American merchant vessels, when these were in British ports. And the instructions written by him, by the direction of Mr. Jefferson, for the negotiations with Great Britain on the subject of impressments, uniformly concede this point.

But I presume, sir, that the letter of the Chief Justice has been introduced, because when pressed with applications, in the department of state, for his aid to procure the release of our seamen impressed, some of them with circumstances of abuse from the intemperance of individual naval officers, he had said that "the continuance of the practice of impressments must inevitably produce discord between two nations which ought to be the friends of each other:"—and afterwards asks, "Is it not more advisable to desist from, and to take effectual measures to prevent an acknowledged wrong, [the taking of American citizens, who were not British subjects, from our merchant vessels] than by perseverance in that wrong, to excite against themselves the well founded resentments of America, and force our government into measures which may very possibly terminate in an open rupture." As though the state of impressments at any past time would in his opinion have rendered a war expedient; and as though the actual state of impressments, at the time when the war was declared, and when the evil was manifestly and most materially diminished, could furnish an adequate cause of war; and as if the Chief Justice could possibly approve of its principle, its policy, or the manner in which it has been conducted! If any thus imagine, let them now ask his opinion.

For the purpose of exciting keener resentments among the people against Great Britain, her ships of war have been called by the most opprobrious names—dungeons and *floating hells*—& the condition of our impressed seamen on board of them a state of *slavery*. Yet, sir, there is not an American naval officer who would not feel it a reproach, if told that the discipline on board his ship was less exact or inferior to that of British ships? It is that exact discipline which enables both to exert their utmost force. That our *seamen* entertain no such frightful ideas of British ships of war, is certain, because considerable numbers voluntarily entered, and some have declined being discharged. But the same parcel of documents which I am now examining, furnish proof in point. It is in a letter from Mr. Pinckney, dated in London, the 13th of March, 1793, to Mr. Jefferson, secretary of state. He says, "Our trade continues subject to great inconveniences, both from our seamen being impressed, from the idea of their being British subjects, and from their entering voluntarily on board of the king's ships, tempted by the present high bounties."

One word more, Mr. Chairman, and I quit this subject. It is said we must continue the war, and take Canada, to induce, or compel Great Britain to *give up her right*, or to *abandon the practice* of impressing *her own subjects*, from our merchant vessels. It seems scarcely credible that any person of information should believe in this doctrine. I will here oppose to it only the opinion of a gentleman of high standing, and distinguished for his discernment, knowledge and abilities as a statesman: I mean

Mr. Bayard, whom the President selected for one of the commissioners to negotiate with those of Great Britain on this very subject, in order, as professed, to bring about a peace. This was expressed in a speech delivered in the senate, on the 16th day of June, 1812, only two days before the fatal declaration of war, on his motion to postpone it to the 31st of October. Had his motion and advice prevailed, we should now have been at peace, and enjoying, if our government had pleased, a prosperous commerce. Mr. Bayard said—

“The question as to the impressment of our seamen did not present insuperable difficulties. Britain never contended for a right to impress American seamen. The right she claims is to take her own subjects found in our merchant service. She exercises the right in relation to her own private vessels. *This RIGHT she never WILL nor CAN give up.* If our merchant flag was a sure protection to British seamen who sailed under it, the British navy must be unmanned by desertion; while our merchants can and do pay a *dollar* for every *shilling* a sailor can earn in the naval service of his country.”

Another subject of complaint, Mr. Chairman, against Great Britain, is her restricting the commerce of neutral nations, by what has been called

THE RULE OF '56.

This rule has been formerly represented by the administration as peculiar to Great Britain. But the fact is otherwise. The French government adopted similar regulations long before. The principle of those regulations was the same as that on which the rule and the practice of Great Britain rested. Louis XIV. in his ordinance of 1704 (which was re-ordained, substantially by Louis XV. in 1744) seems to anticipate the satisfaction of the subjects of neutral states, when they should experience the care he had taken “to preserve for them the same extent and the same liberty of commerce which they have been accustomed to enjoy during peace.” This is precisely the general rule of Great Britain. And the reason of it is this: That to carry on, in time of war, a new and extraordinary commerce for one belligerent, would be a departure from the duties of an impartial neutrality, and becoming in effect, an auxiliary power. This would have been extremely convenient to France, when her own merchant vessels had been either captured, or driven from the ocean by the British navy. But for this British rule of 1756 (the same with the French rule of 1704 and 1744) the commerce of France would have been placed in as good a situation, or better than if carried on in her own vessels: because on the supposition that neutrals, carrying it on for her, were under the protection of the law of nations, it would be perfectly secure from capture; the neutrals only becoming *really* or *apparently* the owners of the merchandizes constituting the articles of that commerce. To this no counter-belligerent, possessing an effi-

cient naval force to prevent or interrupt it, would ever submit. By the laying up of her merchant vessels, the seamen of France employed in them, were at liberty to man her ships of war and privateers: and so far as neutral seamen manning neutral vessels were employed in a trade not allowed by France in time of peace, so far the neutrals became auxiliaries in the war.[10]

By an improper extension of the rule of '56, in the years 1793 and 1794, British cruisers captured great numbers of American merchant vessels. For these, indemnities were demanded; and, by Mr. Jay's treaty, provision was made for adjusting them. The result was that Great Britain paid to the merchants of the United States about six millions of dollars, for their losses by those captures.

On the other hand, French cruisers were employed in committing depredations on our commerce from an early period of her revolutionary war, until the year 1800: not under *any* rule, but in direct violation of the law of nations, and of the treaty then existing between the United States and France. These spoliations amounted, by the best estimates, to twenty millions of dollars; for which no indemnity whatever could be obtained; and the claim for which was finally abandoned.[4]

In the early part of the French revolutionary war, Spain was the ally of Great Britain: and for spoliations committed by Spanish cruisers, during that time, Spain paid indemnities to our merchants, in like manner as G. Britain had done. But for those committed by Spanish cruisers, after she became the ally of France, no indemnity has been obtained. This, however, is not to be imputed to a want of good faith in Spain. She was willing, and by a treaty negotiated in 1801 or 1802, she stipulated to give a just indemnity for the illegal captures made by *her own* cruisers: but refused to pay for those made by French cruisers, carried into

[10] The remarks relative to the rule of '56, are connected with the observation of the gentleman from South Carolina, (Mr. Calhoun) "that the English Court of Admiralty formerly regulated its decisions by the law of nations; but latterly by the orders of its government." To this it may be answered, that the law of nations is still avowed to be the rule by which the adjudications of that court are directed. But it will be said—"Its rules of decision vary, at one time and another, in cases of the same kind, in obedience to the orders of the government." The question then occurs, whether those orders are, or are not conformable to the law of nations? Under some circumstances, a government may insist on the exercise of its *extreme* rights, within the limits of public law, and in other circumstances, relax from such rigid adherence to them; and again from the latter state recur to the former. These remarks seem applicable to the changes in the British Admiralty-decisions of which we complain. For a time, the rigor of the rule of '56 was relaxed; and then again braced up to a stricter construction of the rule. If in *any* case this was done, *without reasonable notice to neutrals* of the change, it was, like *all* the decrees of the French emperor for capturing and seizing neutral property, highly reprehensible and unjust. What has been the fact, I am not sufficiently informed to express an opinion.

Spanish ports; and there condemned by French consuls. This treaty was concluded by Mr. Charles Pinckney, the minister to the court of Spain, appointed by Mr. Jefferson; but was not ratified, because the French captures of American vessels condemned by French consuls in Spanish ports were not comprehended: and thus nothing has been obtained. Another negotiation was set on foot, in which Mr. Monroe was joined with Mr. Pinckney. To settle the boundaries of Louisiana, as well as the question of spoliations, was an object in this new negotiation: but nothing was effected. The Spanish government persisted in refusing to pay for American property condemned in her ports by French consuls. The fact was, it was not in her power to prevent it against the will of France:—and the French government contended also, that those spoliations of American property captured by French cruisers, carried into Spanish ports, and there condemned by French consuls, were comprehended, with the other French spoliations, in the treaty of September 30th, 1800, between France and the United States; and therefore cancelled, by mutual agreement, according to the terms of that treaty.

The gentleman from South Carolina (Mr. Calhoun) advertising to the present state of the world, with France driven back and likely to be compressed within limits compatible with the general safety, imagined that, the united powers of Europe would now turn against Great Britain, and confine her within proper limits on the ocean: while he seemed to admit that she had been fighting for her existence. The gentleman spoke with an air of triumph, that the United States had had the courage to resist her on her own element; and said, that if we had made no resistance to England, we should have lost all our commerce! Well, we did resist: and where now is our commerce? Annihilated. But the gentleman consoled himself with the consideration, that if we had not done much against England, she had not done much against us. And is it indeed a small matter—is not much done against us—when our ports are blockaded and our whole commerce destroyed? The gentleman, however, seemed to admit that we could not now succeed, with our population of eight millions; but may hereafter, when we shall have increased to twenty or thirty millions. And would it not have been wise to have postponed our resistance until the period arrived, when resistance might be made with some prospect of success?

That G. Britain should not have accomplished much against us, in the way of fighting, is not strange; seeing she was taken by surprise. For notwithstanding the talks in Congress, and the rumours abroad, about a war with Great Britain, few believed it. When we were without troops, without many of the munitions of war, and without money, the common sense of mankind revolted at the idea of its being voluntarily declared. G.

Britain, therefore, had taken few if any precautions even for the defence of Canada. And when war had been declared, seeing the orders in council were its principal cause—when these were removed, it was natural to suppose that the war might cease, or be suspended. Admiral Warren, therefore, may be considered as having been sent to *negotiate*, rather than to *fight*. And the efforts on our seaboard have in fact been extremely feeble. Should the war, however, be continued, we may expect it will be conducted in a very different manner. The colossal power of France having been reduced, the allies may find her full employment, and allow G. Britain to point a portion of her attention to her American provinces, and the war on our coast.

When France was, in the view of many, and in the fears of most reflecting men, all-powerful by land—when it was doubted whether Russia could defend her own empire, then indeed gloomy apprehensions were entertained for the fate of the civilized world. Had Russia been subdued, the French Emperor, with the whole European continent in his hands, and commanding all its means of building and manning a navy more powerful than that of Great Britain, she must have sunk under the pressure. But if any one power must have the ascendancy on the ocean, it is desirable that Britain should be that power. Circumscribed by the seas which encompass her islands, her population is necessarily so limited, as never to furnish armies capable, by themselves, of making any permanent impressions on the continent. The trident of the ocean may therefore be safely left in her hands.

On the subject of **THE LOAN,**

Mr. Chairman, the gentleman from S. C. (Mr. Calhoun) asked, What would be the consequences if the bill on your table should fail? And he answered—That the operations against Canada would fail: public credit would fail, at home and abroad: & the army, the navy, & every department of the government would suffer.

With respect to Canada, it is desirable that its conquest should not be attempted. No good could result from the conquest if effected; and the attempt would cost many thousand lives, and many millions of money. If conquered, it must be restored before Great Britain will make peace.

As to public credit, I distinguish between that of the U. States, and the credit of the administration. The latter may fail, and the former be secure. A transfer of the administration of the government to other hands, would restore the public credit, already deeply impaired; because the only solid foundations for its support would then be re-laid.

As to the army and navy, if one be disbanded, and the other laid up, I see no harm that can result. The soldiers can travel home, if, like many of their comrades already discharged, they are dismissed without pay, and compelled, as I have understood these have been, to depend on the kindness of their fellow-citizens by the way. And the seamen will only be returned to the

condition of their brethren at home, deprived, by the conduct of our government, of their usual occupations.

As to the part our "declared" enemies will act, if for want of money we should have no army, I entertain no uneasy apprehensions. They are *unwilling enemies*; and unquestionably, if we do not invade their territory, they will leave ours unmolested.— And when we shall stand merely on the defensive, the militia will suffice.

But the gentleman seemed to think that even if the war were unjust, the majority ought to be supported in obtaining a loan, rather than hazard the consequences just enumerated. But, sir, there would be one good consequence that would outweigh all the recited evils. If we cannot carry on the war, we must have PEACE: and this will give employment to the sailor and soldier, and to every class of citizens, and open the way to a revival of our former prosperity.

The gentleman claimed the support of the minority to obtain the loan, because the minority, or some of the minority, voted for the objects of expence which render the loan necessary. With this, sir, I have no concern. I was not then in congress. Nevertheless, I did not at that time withhold my opinion. It was communicated by letters to some of my friends in the minority; and there are gentlemen present who know it. I was opposed to the voting for a single soldier, or for the timber head of a ship: because I would not put weapons into the hands of men, who, I was morally certain, would use them only to produce public mischief. I asked them, if they voted for an army and a navy, how they would withhold their vote for money to support them?

Different gentlemen have adverted to the terms proposed by our administration for an

ARMISTICE.

The hon. Speaker, (Mr. Cheves) thinks they were reasonable and proper—that the refusal by G. Britain to accept them, was a sufficient cause for continuing the war; and that to have treated, without orders being previously given, to discontinue the impressment of seamen and to restore those already impressed, would have been an abandonment of our rights.

Let us, Mr. Chairman, examine the terms, as they are stated in a letter from the Secretary of State to Mr. Russell, dated the 26th of June, 1812, *eight days only after the president and congress had declared war!* "If, (says Mr. Monroe) the orders in council are repealed, and no illegal blockades are substituted to them, and orders are given to discontinue the impressment of seamen from our vessels, and to restore those already impressed, there is no reason why hostilities should not immediately cease." Certainly, Mr. Chairman, if Great Britain at once gave up every point for which the war had been declared, the president must have been strangely unreasonable to refuse to suspend hostilities. And yet all this was required by the president's in-

structions to Mr. Russell ! The orders in council had been revoked, and no illegal blockades substituted for them. It remained only to restore the seamen (British as well as American, for the instructions make no exception) already impressed, and *discontinue* the impressment of seamen (British as well as American) from our vessels ; and every alledged cause and pretence for declaring the war would have been removed. And what was next to be done ? Why the two governments were to appoint commissioners to make “definitive arrangements on these & every other difference, by a treaty to be concluded either here or at London !” Now the two governments had been *discussing* the question of impressments for eight years (from 1792 to 1800) and endeavoring to form a *treaty* on the subject, during the next 12 years, until war was declared, without being able to agree !—And yet the president thought fit, as a preliminary step to any further negotiation, to demand of the British government *to abandon the whole subject in controversy during the time that the new negotiations should be going on* ; which might be for 20 years more on the single question of impressments ! But the instructions state, that besides this great point, “there were *many* just and weighty causes of complaint against G. Britain,” to be removed and settled by the proposed treaty. Among these was explicitly mentioned “indemnity for injuries received under the orders in council, and other edicts violating our rights”—“for which it was expected that provision would be made in the treaty.” Now this indemnity, so confidently expected, had, during former negotiations, been repeatedly urged on the British government, who apparently considered it so unfounded as hardly to listen to the demand. Yet this, and all the other “weighty causes of complaint,” in addition to the hitherto insuperably difficult question of impressment, were to be the subjects of the proposed negotiations ; which, considering the spirit and manner of former negotiations on the part of our administration, might easily be protracted to twice the length of the siege of Troy. In the mean time, whatever number of British seamen resorted to our merchant vessels, they were to be protected by our flag ! Such is the true state of the terms offered by the President to the British government, as the conditions on which he alone would consent to a cessation of arms !

Sir, I consider this offer of an armistice on such impracticable conditions, tendered only eight days after the President and Congress (choosing their own time for it) had declared war, as of a piece with many former overtures—*without any expectation of their acceptance by the British government* : but which being rejected, would be used as a new topic of popular clamor against Great Britain—increase the resentments of the people, it was hoped—and by rendering the war itself more popular, procure the support necessary for its continuance.

But the honorable Speaker thinks, that to have treated without a previous suspension of impressments, would have been an abandonment of the rights we claim on the subject: What then would have been the effect on Great Britain? Her government is at least as confident of the right to impress British subjects from neutral merchant vessels (and I think I have shown that this confidence is well founded) as our government is of the right of neutrals to be exempted from such impressments. If then the British government had, as a preliminary to negotiation, *restored* all impressed seamen, and ordered the entire practice to be *discontinued*,—this, according to the reasoning used in this case, would have been an abandonment of the British rights—And was it reasonable to make such a demand?

The honorable speaker (if I understood him correctly) supposed our government to have given proofs of its desire to obtain peace on terms which the minority themselves would approve: & if the majority should accept less, they would prostrate the honor, dignity, and independence of the country: meaning, I presume, that the entire abolition of impressments would be indispensable to preserve our honor, dignity, and independence. I will put a case:—Suppose, what seems likely to happen, that by the aid of Great Britain, the independence of Holland should be restored, and with that her commerce: and suppose the latter, as formerly, should be spread on the ocean, and that British seamen found on board Dutch merchant vessels, should be impressed and taken from them: Does any gentleman imagine that the states of Holland would consider their sovereignty to have been thereby invaded?

The honorable Speaker mentioned the British strength in their finances; but that their expenses were immense. So likewise are their resources. He remarked that this American war was maintained by Great Britain at a vast expense—double to that of the United States. This, sir, may well be doubted: Just the reverse may be presumed. It has been often said, and I have not heard it contradicted, that the flour furnished to the Western army, cost the United States a hundred dollars a barrel, including the enormous expense and waste in the transportation. And two gentlemen who were in the last congress, stated to me this striking fact, concerning the forage supplied to that army. A waggon started with forty bushels of corn. The team of horses consumed eighteen bushels in going—the driver reserved eighteen bushels to feed them in returning—and delivered *four* to the army. It is presumed, then, that this waggon was employed not less than six and thirty days; the hire of which, and the cost of the thirty-six bushels of corn eaten by the horses, must have amounted to at least two hundred dollars; so the corn delivered to the army cost fifty dollars a bushel! And from all we have heard, unexampled extravagance and waste are exhibited in every scene of this miserable warfare.

The honorable Speaker further remarked, That to Great Britain this war promised neither glory nor profit: And does it promise either to us? And which, from the degree of suffering, will first be weary of it? Another motive, he said, would urge Britain to be at peace with us—to enjoy the benefit of our commerce: And would the renewal of that commerce be less beneficial to us than to her? “But she is engaged in a GREAT CAUSE in Europe;” and therefore must desire peace with the United States. Yes—Britain had been pouring out, & was continuing to pour out rivers of blood and floods of money, to rescue Europe from the grasp of the universal tyrant, and restore independence to the nations: this was indeed a GREAT CAUSE: and was this a time to attack her—to press her with the burthen of the American war? I leave the question to the reflections of that gentleman and his friends.

The gentleman from Louisiann,

(MR. ROBERTSON)

At the beginning of his observations on the loan bill, spoke of a gentleman for some years an honorable member of this house, whom he denominated “a distinguished jacobin of the Eastern States.” Sir, after the just vindication of Mr. Quincy’s character by one of my colleagues (Mr. Baylies) little is left for me to add. I well knew Mr. Quincy’s father. No man was more zealously and ardently engaged in the measures of resistance to the unconstitutional acts of G. Britain, which preceded the actual war of our revolution. At the instance of eminent patriots of that day, he undertook a secret embassy to England, to effect objects deemed important to the maintenance of our rights. I, perhaps, was the last of his friends who saw him immediately before he embarked. He went—and was returning—but enfeebled in health—just as he approached his native land, he expired. Honored and gratefully remembered, for his pure patriotism, abilities and virtues, it is the high and laudible ambition of the son to imitate his sire; and in the same honorable pursuits, to render himself eminently useful to his country.

The expression of Mr. Quincy repeated by the gentleman from Louisiana, “that the majority could not be kicked into a war,” I always regretted. Nor did I approve of an expression which lately fell from my hon. friend from New-Jersey (Mr. Stockton) for whom I entertain a very high respect—“that the administration had struck their colours:” because I have always tho’t that such taunting expressions, by touching the pride and rousing the resentments of the persons addressed, tended to produce mischievous measures, or to defeat good ones, contrary to the sober sentiments and better judgments of those who were so reproached.

But I do not view in the same light, precisely, with my friend from New Jersey, the President’s acceptance of Lord Castlereagh’s overture, to treat on the questions in controversy be-

tween the United States and G. Britain. Lord Castlereagh says that the British government is willing to negotiate and adjust subsisting differences "upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and with the maritime rights of the British empire."—The President, in answer to this overture, consents to treat, "on conditions of reciprocity consistent with the rights of both parties as sovereign and independent nations." This, to be sure, would seem well enough, if we had not previously known the President's meaning of the words *sovereign* and *independent*, as applied by him to the question of *impressments*. The President holds the opinion, that when a British naval officer enters on board an American merchant vessel on the high seas, to search for and take away *native British* seamen, the *sovereignty* and of course the *independence* of the United States are thereby violated. Now, as no citizen would consent that the President should, for any consideration, surrender any branch of our *sovereignty* and *independence*—and as G. Britain holds to be clear, and will never give up, her right so to enter, search for, and take away her own subjects—if the President adheres to his own doctrine, it does not appear very obvious how a satisfactory and *lasting* peace is to be obtained. A *temporary* arrangement, indeed, may be made, by which G. Britain may agree to *suspend*, or *discontinue* the *practice* of impressment, *if, and so long as the United States shall make provision by law, and in its execution render it effectual, to exclude all British seamen from American merchant vessels*. But if no more than this be attainable, (and the nature of the case forbids the expectation that any thing more will be attained) why have so many thousand lives of our citizens, and so many millions of money, been sacrificed in a war for sailors' rights? There has never been a time, I believe, when Great Britain would have rejected such an *effectual* arrangement. The ready, eager and sure protection given by the people of the U. States to British seamen deserting from British vessels in our ports, furnished, indeed, but too much ground of jealousy, that no provision for their apprehension and restoration would prove effectual.

It is much to be regretted, that scarcely any correspondence can take place with the British government, in which there is not introduced something offensive or calculated to excite, there and here, feelings and passions unfavorable to a fair and amicable adjustment of differences. In the present case, there is in Mr. Monroe's answer to Lord Castlereagh's overture, for a direct negotiation for peace, a representation plainly different from the fact. The British minister at the Russian court (Lord Cathcart) having given to the Russian minister the reasons why the British government declined treating with the United States, under the mediation of Russia, makes known its readiness to treat with them directly: and adds—"If, through

the good offices of this Imperial Majesty, this proposition should be accepted, the Prince Regent would prefer that the conferences should be held at London," &c. In his answer Mr. Monroe says, that "by this communication it appears," that the Prince Regent having rejected the mediation of Russia, "proposed to treat directly with the United States at Gottenburg or London; and that he had *requested* the interposition of the good offices of the Emperor in favor of such an arrangement." One motive for using an expression obviously offensive to the British government seems to have been, to induce the people of the United States to believe, that that government was *petitioning* for peace; driven to it, to be sure, by the energetic measures of our own!

The gentleman from Louisiana said, that the charge of moral treason had been met with indignant silence: a mode of treatment which, perhaps, would have been the most suitable. I, however, had intended to make some observations on this new doctrine; but having occupied so much of the time of the committee, I will pass it by. Indeed, I think the observations which have been made by my friends on this side of the house amply sufficient.

The same gentleman said that there was now no indisposition, on the part of the republicans, to foster a navy. The reason is obvious: the exploits of the navy have saved the party from sinking. In the actual management of their war, nothing else has kept their heads above water. The gentleman sought an apology for the early and long continued opposite conduct in the party called Republicans, in the fact, that Washington was for some time silent on the subject of a navy. Sir, the reason is plain. When at the commencement of his administration, the government itself was to be organized, and every thing requisite to the exercise of its powers was to be created, matters of indispensable necessity were first to be provided for. But as soon as possible, after the depredations of the Algerines required a naval force to protect our commerce, it was proposed that a naval force should be provided. And what then was the conduct of the same party now calling themselves republicans? They vehemently resisted the attempt to commence building a navy: and one of the ablest leaders of the party thanked God that the trees necessary for such a navy were then yet standing in the woods. This republican hostility to a navy (with the exception of individuals of the party) continued down to the projected commencement of the present war. I recollect, that when, on a report of the secretary of the navy, five or six years ago, it was proposed to make an appropriation for repairing some of the frigates, which, if omitted for another year, would be hardly worth repairing, a republican senator, and a very honest man, who spoke the sentiment of his heart, thus accosted me: "If all our frigates were collected into one bunch, and they were all

in flames, and if by spitting I could extinguish the fire—I would spit!”

But the gentleman from Louisiana said the administration had kept the navy in repair, and laid out much money upon it. This, Sir, I presume is true. In the first year of Mr. Jefferson’s administration, the corsairs of Tripoli captured some American vessel or vessels. A moderate tribute (much less than was paid to Algiers, and similar to what the maritime powers of Europe had been in the habit of paying, regularly or irregularly,) would doubtless have satisfied that petty power. But Mr. Jefferson preferred the application of a naval force. He sent a small squadron into the Mediterranean, with orders (as at the time was understood) to capture the Tripolitan cruisers, to throw their guns overboard and completely disarm them, and then to let them go home! Mr. Jefferson is a philosopher, and thus philosophically was this war commenced. But congress had not then authorised a war with Tripoli; and the capturing and disarming of the cruiser was represented as a measure of *defence*. Yet it would seem reasonable to *detain*, by way of *indemnity* for the *wrong*, as well as to *take* and *disarm* the vessel of the *aggressor*. The next year, congress passed a law authorising the equipment of a naval armament, to be sent against Tripoli. Its operations were ineffectual. The next and the next year, additional armaments were equipped; and finally, in the fifth year of the war, had the gallant Eaton on the land, operating with a force collected in Africa, been seconded by the vigorous co-operation of the navy, Tripoli, if not completely conquered, would probably have been reduced to terms of submission. And such an issue of the war, as honorable as beneficial to the United States, would have made a deep and lasting impression on all the Barbary powers, favorable to the security of the commerce of the United States. But this prospect was blasted in a moment.—Our ships approached Tripoli, but not to fight. They were under the control of consul-general Lear, who had powers to negotiate a peace. And after expending \$4,000,000 on the navy, (as stated by a member of the senate in his place) during the Tripolitan war, to avoid paying a small tribute, or liberal presents, peace was ignominiously *purchased*. Sixty thousand dollars were paid to the reigning Bashaw, to redeem the crew of the Philadelphia frigate (stranded on his coast) who were his prisoners. Such was the result of so many years expensive war with that petty power!

The gentleman from Louisiana, continuing to speak on the subject of the navy, said that Mr. Adams had expended above ten millions of dollars upon it—and on the last day of his existence, ordered all the vessels but thirteen to be sold. How much money was expended on the navy, under the federal administration, I do not know. But whatever was expended, under the able and vigorous conduct of the department by the *first* secretary

of the navy, I do not hesitate to say, was well laid out. And he left to his successor ample stores, on which the department long after subsisted. I remember that in 1807, when, in consequence of the attack on the Chesapeake, an alarm of war was industriously but causelessly excited, stores of certain kinds were purchased and expenditures made, to the amount of several hundred thousand dollars, *without any appropriation*; and when application was afterwards made to congress to sanction the proceeding, by an appropriation, it was stated, on the floor of the senate, by the brother of the then naval secretary, that such ample provision of some important articles had been made by the federal administration, that until that time (and six years had elapsed) there had been no necessity for making any new purchases. It is true that all the armed vessels, excepting the thirteen referred to by the gentleman from Louisiana, were ordered to be sold, and the order was perfectly correct. When, in order to protect our commerce against French depredations, congress authorised the providing, expeditiously, of an armed naval force, it was necessary to purchase of the merchants a number of vessels, the best that could be procured for that service: but these having been constructed for trade and not for war, were not worth retaining, when the emergency which called for them had passed away.— And a treaty with France having put an end to hostilities, these original *merchant* vessels were very properly directed to be sold: while the frigates and other vessels which had been built for war, were directed to be carefully preserved for future use.

The gentleman from Louisiana having undertaken to vindicate the conduct of our government towards SPAIN, I beg leave, Mr. Chairman, to make some observations on the subject, without, at this time, going into long details.

At the peace of 1763, between England, France and Spain, the whole country lying between the British Atlantic provinces and the river Mississippi (with the exception of the island of New-Orleans) was ceded, or acknowledged to belong, to the king of Great Britain, together with a right freely to navigate the river Mississippi, from its source to the ocean. At the close of our revolutionary war, the same country, and the same right to navigate the river Mississippi, were ceded to the U. States. But Spain possessed the territories on both sides of the river Mississippi, at and towards its mouth; and, commanding the passage, refused the use of it to the U. States. At length, however, in October 1795, a treaty was made with Spain, admitting our claim to the free navigation of the river to the sea; and at the same time, a right was obtained to use the city of New-Orleans as a place of deposit for our productions to be exported, and for all our merchandize imported, for the use of the western states and territories.

In 1801-2, this free use of the Mississippi, and the right of deposit at New-Orleans, were interrupted by the Spanish authori-

ty at New-Orleans. There was an air of mystery in this affair : for while the Spanish Intendant of commerce caused this interruption, the Spanish Governor, (according to my recollection) and the Spanish minister to the United States, were ignorant, or affected to be ignorant of the cause. *But we did not then know that Louisiana had been re-granted by Spain to France.* This would have solved, as it now solves the mystery. This retrocession of Louisiana by Spain to France was made by the treaty of St. Ildefonso, on the 1st of October 1800. But the war with England prevented any attempt to take immediate possession. During this state of suspense, the experiment was made, at the expence of the Spanish faith, on the temper of the United States, and particularly of the western people, to whom the free navigation of the Mississippi was essential, by interrupting it in the manner I have mentioned. There can be no question that this was done at the instigation of France; and the prime minister of Spain (Godoy, prince of peace) was the tool of Bonaparte in making the experiment. For Louisiana including the Isle of Orleans, having been transferred to France, the Spanish government and nation had no interest, and could have no possible motive to interrupt the navigation of the river, greatly to the injury, and with the certainty of exciting the resentments, of the United States.—But the interest of France in this outrage, is apparent.—If the general government should forbear to vindicate the national rights, the western people to whom the navigation of the Mississippi is indispensable, would be left to their own discretion; and they must either attempt to open the navigation by force, or consent to enjoy it on such conditions as could be obtained.—The principal condition which France would have offered, was obviously this—That if they would separate themselves from the Atlantic states, they should enjoy, not only the free navigation of the Mississippi, and the right of deposit at New-Orleans, but that that city, and all the French ports in America and in Europe should be the open markets for their productions and manufactures. And thus straightened, there can be little doubt as to the decision of the western people: they would have been constrained to have associated themselves with the French power, had it been established in Louisiana.

The peace concluded with Great Britain at Amiens, in the autumn of 1801, gave to France the opportunity of equipping a naval and military force—and the same was accordingly prepared—to take possession of Louisiana. But war between France and Great Britain being on the point of breaking out afresh, the French armament destined for Louisiana was blockaded in the ports of Holland; and the project was abandoned. It was in this crisis, that the French emperor, wanting money for the renewal of the war, *and especially being apprehensive that if Louisiana remained the property of France, Great Britain*

would take possession of it for herself—he sold the territory to the U. States. The British government, though determined that France should not possess herself of Louisiana, was perfectly satisfied with the transfer of it to the United States. In addition to the evidence of this fact in possession of the government, I can state that of Mr. Alexander Baring (now a member of the British House of Commons) who came to this city in the autumn of 1803, after the recommencement of the war with France, to receive the six per cent stock, in which eleven millions and a quarter of dollars of the price of Louisiana, were to be paid; the house of Barings in London having bargained with agents of the French government to take that stock in exchange for money to be paid to France. Mr. Baring's marriage and former residence in Philadelphia, had given me an opportunity of forming an acquaintance with him.—Conversing on this affair of Louisiana, I asked him if his government (the British) had no objection to the transaction, which furnished so considerable a supply of money to France? Far from it, he answered: and added, that the British government would itself rather have paid the whole purchase money, than have suffered Louisiana to go into the possession of France.

The treaty for the purchase of Louisiana was concluded on the 30th of April, 1803. It was not till the month of June following, that our ministers, Chancellor Livingston and Mr. Monroe, appear to have thought that West Florida was comprehended in the purchase: *and if it was not in the contemplation of the parties when the treaty was concluded, it could not be justly claimed by the United States.* The French government always denied that West Florida was included in the cession of Louisiana. And as a conclusive proof of the fact, I will refer but to one piece of evidence—the order of the king of Spain to his officers at New-Orleans to deliver possession of Louisiana to France. This order was dated, I think about the month of October 1802, *some months before the cession of that territory to the United States was thought of, and when the French emperor intended to take possession of it for himself.*—In this order, the king of Spain directs that Louisiana be delivered to France, precisely as by the treaty of 1762, it had been ceded, and was afterwards delivered by France to Spain. Now by that treaty, nothing was granted by France to Spain but Louisiana on the western side of the river Mississippi, and the island of Orleans which is on the eastern side of the river. And what has since been called West Florida, or so much of it as had belonged to France before the peace of 1763, was then ceded by France to Great Britain, who took and kept possession of it, as well as of the rest of Florida which had been ceded to Great Britain by Spain, until the war of our revolution. And at the peace of 1783, the Floridas were ceded by G. Britain to Spain. From this short account of the matter, the inference is clear, that the U.

States have no better title to West than to East Florida ; that is, they have no title at all. The gentleman from Louisiana, as an apology, I presume, for the conduct of our government, spoke of the people living under the Spanish government, in that country, as in a state of vassalage, in worse than Egyptian bondage: & yet great numbers of *free* American citizens had *voluntarily* quitted the U. States, and become Spanish subjects ! and afterwards rose in arms against their patrons and benefactors !

The gentleman said that the U. States had done no injury to Spain ; and intimated that it was our "sympathy" for her, suffering under the attacks and oppression of the French emperor, that occasioned the U. States to forbear so long to take possession of West Florida. Sir, I have never been able to discover the smallest tokens of sympathy for Spain in the dominant party in the United States--neither in those who have administered our government, nor among their supporters. On the contrary, every victory, and every advantage gained by the French emperor in Spain, appeared to be with them, a subject of rejoicing.-- On the other hand, it was regretted by the same party, that the Spaniards had risen in arms and resisted their oppressor, who had treacherously dethroned their king and usurped his crown. I once witnessed an expression of that regret on the floor of the senate--*because of the effect it would produce in the United States!* And what was that expected effect? Obviously of *universal sympathy*, among a people who had taken arms, and endured the evils of a war of seven years, to establish their own independence. It was natural to suppose that such a people would, in their feelings at least, take part with the suffering Spaniards whom the usurper was attempting to bring under his yoke. Had such feelings existed, they would have led the people to execrate the oppressor, while they must have hailed those who flew to the aid of the oppressed: but *they* were the ENGLISH, whom the people had been taught to *hate*, and whose *hatred*, it was wished, for party purposes, to keep up and aggravate. But whatever was the cause, it is a notorious fact, that the great body of the American people who supported the administration, exhibited no sign of sympathy for the Spanish patriots, nor any wish for their success. Through the treachery of the Spanish prime minister, the prince of peace, the flower of the Spanish army had been sent to Germany, to aid the French in making or maintaining their conquests in that country; while strong French armies were marched into Spain, and put in possession of some of her strongest fortresses. The Spaniards being thus betrayed and surprized, the French Emperor imposed on them his brother Joseph for their king. It was in this forlorn situation that the Spaniards had the courage to rise and resist the tyrant. And who that really hated tyrants and tyranny could forbear to hail those generous spirits, and bid them God-speed? Yet they were not thus hailed by the majority of

Americans! Their chief, (Mr. Jefferson) with the coolest indifference, said it was a mere contest about the government, to decide whom the Spaniards should have for their king! As if it were a matter of indifference to any nation, whether they should have a chief ruler of their own choice, of a family to which they had long been attached, or one whom a neighboring tyrant would impose on them! But the English had taken the side of the Spanish patriots, and sent an army and supplies, to aid them in their gallant struggles to throw off the French yoke. It was then that the French Emperor issued his insulting and blasphemous proclamation to the Spaniards:—"I will soon (said he) chase from the peninsula the English army, who have been sent to Spain, not for your aid, but to influence you with a false confidence, and to mislead you." And he thus concludes his proclamation: "But if all my efforts are ineffectual, and if I find you unworthy of my confidence, I will treat you *as conquered provinces*, and place my brother on another throne. *I will put the crown of Spain on my own head; I will be respected even by the worst.* FOR GOD HAS GIVEN ME THE POWER AND THE DISPOSITION NECESSARY TO SURMOUNT ALL OBSTACLES!"

The gentleman from Louisiana (as another excuse for the conduct of our government, in possessing itself of one Spanish province, and for more than contemplating the taking possession of another) said the Spaniards had attempted to corrupt the people of our western country.—Sir, there is reason to believe that this intrigue also, like that for shutting up the Mississippi, originated with the French government. As early as February 1797, the American commissioner, Mr. Ellicott, having arrived at Natchez, was informed *that Louisiana was to be ceded by Spain to France.* This appears in the journal of Mr. Ellicott, who was employed by the U. States to join the commissioners of Spain, to run the boundary line between the territories of the U. S. & the Spanish provinces of the Floridas, from the Mississippi to the Atlantic ocean. For more than a year, the Spanish officers at the Natchez & N. Orleans interposed delays, on the most frivolous pretences; and contrary to the positive stipulations of the treaty of 1795 with the U. States. This conduct of the Spanish officers appeared unaccountable at the time: but suppose only a French intrigue (and Spain, in 1797, was in close alliance with France, and almost absolutely at her devotion) and all difficulty vanishes. [11]

Permit me now, Mr. Chairman, to make a few observations on the transactions in East Florida. Every body knows that congress passed a law authorising the President to take possession

[11.] The Spanish officers continued to throw obstacles in the way of running the boundary line, from February 1797, to the summer of 1798; and nothing but Mr. Ellicott's resolute conduct, and his actually commencing the work, without waiting any longer for the Spanish agents, prevented further procrastination.

of it, in case any other power should attempt to do it. But no such attempt being made, there could be no pretence, under the act of congress, for marching troops into East Florida. Yet troops of the United States were marched to the neighborhood of St. Augustine; in some sort beleaguering it for a year or more; and certainly by their *position*, if not *actively*, countenancing the body of men there, calling themselves *patriots*, who were in arms against the Spanish government. Prior to this, however, General Matthews (unquestionably employed by our administration) had entered East Florida, and with these self-called patriots (five-sixths of them, as I am informed, inhabitants of Georgia) had taken forcible possession of the Spanish Island of Amelia. Here there was a curious coincidence of naval aid, by our gun boats under the command of Commodore Campbell. I remember seeing a letter with his signature, (as published in the newspapers) in which, as well as I recollect, in answer to an application of the "patriots" for his assistance, he expressed a sentiment of this kind,—*that although he had no orders from his government, he would be always ready to render his aid in the cause of liberty.*—Mentioning this letter to the gentleman from Charleston, to whom I have once before alluded, and who is known to the honorable Speaker, and expressing my opinion that no officer of the United States would dare to carry his arms against the territory of a nation with whom we were at peace, without some kind of authority from the government to countenance the act; remarking too, that a law existed making it highly penal for any citizens of the United States to form such an expedition—the gentleman from Charleston answered to this effect: "Perhaps Commodore Campbell's letter from the government was like the one received, at that time, relating to the East Florida business, by Lieutenant Gadsden, who then commanded a small armed vessel of the U. States at Charleston. Lieutenant Gadsden, not knowing what construction to put upon the letter, carried it to the district attorney of the United States, a gentleman well known for his legal talents. The district attorney, having read it, told Lieut. Gadsden, that if he should go with his vessel to East Florida, his orders would justify him; and if he did *not* go, they would also justify him!"

In addition to all this, Sir, I have received information on which I rely, that General Matthews, when on his way to East Florida, received about twenty thousand dollars, on account of the United States, at Charleston, and additional sums at Savannah, to enable him to prosecute the revolution and invasion of that province. Further still, Sir, I can positively assert, that besides these operations on the Atlantic coast, it was intended to take possession of Pensacola: and that for this purpose, Colonel Hawkins, the United States' agent with the Creek nation, was desired to obtain their permission to march the troops through their

country. [12] And yet the gentleman from Louisiana has told us, that our government had no disposition to do any injury to Spain! But as injuries, and serious ones too, apparent to all the world, had been committed against Spain, in the unwarrantable acts of our government in relation to the Floridas, it was necessary to find some apology for them; and hence the mention of the depredations committed by the armed vessels of Spain on our commerce, to the amount of some millions of dollars, for which no indemnity has yet been paid. I have already explained this matter, and shown it to have arisen from an act of our own government, in coupling with this demand another for indemnity for French spoliations, consummated in Spanish ports, but for which, in the actual state of things at the time, Spain was not, in equity, responsible; the power of France being then ascendant, and controlling all Spanish measures.

The gentleman from Louisiana suffered his imagination to be alarmed with the idea of a possible invasion of the U. States by Great Britain, who, he said, might subsidize Hessians, Brunswickers and Russians. Sir, the British government is too wise to think of so idle a project, as an invasion for the purpose of holding any part of the U. States. And were we even to make her a tender of our independence, again to become her colonies, she would not accept the offer. She knows, as every man must know, that with our rapidly encreasing population, which in the lapse of a few years will equal her own, we could not long be kept in subjection; and hence would appear the folly of accepting it if tendered. In respect to the United States, G. Britain desires only peace and liberal commerce, which she well knows how to appreciate, but which blessings at this time are of immensely greater importance to us than to her.

The gentleman from Georgia, (Mr. FORSYTH) in mentioning

[12] My information [in addition to what the newspapers furnished] was derived from the letter of a gentleman whom I have long known, and whose observation, discernment & accuracy entitle him to full confidence. On the 17th of May, 1812, he wrote to me as follows: "When Gen. Matthews went on to the southward last summer, to *revolutionize* East Florida, he drew from the bank in Charleston about twenty thousand dollars, on account of the government of the United States. Considerable sums have since been drawn, on the same account, from the custom-house in Savannah. The secret was so badly kept, that the whole country through which Gen. Matthews and his coadjutor, Col. Isaacs, passed, were apprized of the design; and that this public money, so drawn, was for the purpose above stated. But, sir, East Florida was not the sole object in contemplation. Col. Hawkins, one of our agents for Indian affairs, was applied to by General Matthews and Col. Isaacs, to negotiate a passage for their army [so called] through the Creek nation, for the express purpose of attacking and taking possession of the city of Pensacola, after the fall of St. Augustine, which was considered as certain. In consequence of this request from Gen. Matthews and Col. Isaacs, Col. Hawkins negotiated with the chiefs of the Creek nation, the passage of this army of *patriots* through their country."

the opposition of the minority to the loan bill, and other war measures, ascribed it to their "malignant prejudice."

[Mr. Forsyth rose to explain, and said he did not mean to comprehend *generally* the party in opposition to the government, but some only, or a few.]

Well, sir, I do not see that I am excepted in this explanation. The gentleman's remark having been made in this house, must be considered as applicable to some at least of its members. But, sir, my character is not to be affected by any such charges: for, (and slandered as I have been, I trust I shall be excused for saying) it stands on the rock of integrity and truth, and not all the powers of democracy and hell can shake it.

"Unhallowed ambition (said the gentleman) sits upon their bosom, stifling reason, and subduing the better feelings of the heart!"—and then in the language, but not with the tone of lamentation and regret, added—"They must die in their sins—unannointed and unannealed!" Sir, to this gentleman, and to all others who hold the same sentiments, I will content myself with applying the words of Job to his upbraiding friends—"No doubt *ye* are the *men*, and *wisdom* shall die with *you*."

The gentleman's colleague (Mr. Cuthbert) who spoke before him, and who has so lately taken a seat in this house, that I had not seen him before, rose and spoke on the same side of the question; and with extreme vehemence—with apparent fire and fury: but on taking a chair nearer to him, I found that in the midst of the storm, his face wore a benignant smile. This gentleman, (Mr. Cuthbert) candidly uttered a truth more important than any I have heard from the same side of the house. He said—"Great Britain has rescued the nations of Europe." Yes, sir, when those nations had been subdued, or awed into submission, by the power of France, Britain, undismayed, persevered in her mighty efforts to restore them to their independence; and in the glorious result, has proved herself to have been justly entitled "*The World's last Hope*."

But the gentleman from Georgia, to whom I have repeatedly alluded, (Mr. Forsyth) said that Great Britain was not fighting for the liberties of the world: that we erred in ascribing to her the safety of nations, and asked, what influence had the mighty navy of Great Britain in deciding the battle of Moscow?—What in gaining the victory of the allies at Leipsic? Sir, if I had heard these questions asked any where but on the floor of this house, I should have said they were very shallow questions. The British FLEET, it is true, could not sail on the plains of Moscow, nor navigate the river Elbe at Leipsic. But when the nations of the continent had sunk under the arms of France, Britain fighting for her existence, successfully maintained the combat. She did much more. With her FLEETS commanding on the seas, she transported her armies to Portugal—encouraged and taught her inhabitants to fight, and with their united force

defeated and expelled the armies of France. Portugal redeemed, the British and Portuguese entered Spain, uniting theirs with the Spanish arms, to deliver that country also from the yoke of France, and this too, after years of hard fighting, has been accomplished—the FLEETS of Britain all the time transporting strong reinforcements of troops, and stores of all kinds, alike indispensable and immense, for such great and long continued operations. The FLEETS of Britain also, still commanding on the seas, compelled her enemy to transport slowly and expensively, by land, every thing requisite for his projected conquest of Russia, and the maintenance and relief of the fortified places accessible by water. But still further—the FLEETS of Britain gave scope for the exercise of the unconquerable spirit and the energies of her people, in those great enterprizes, which, by their example and effects, kept alive, or rekindled in the nations of Europe, the spirit to resist, and finally to overthrow the universal tyrant.

The same gentleman asked—for what were the Spanish patriots contending? and he answered, it was to determine who should be their master, Bonaparte or Bourbon; adding, that to us it was immaterial whether Joseph or Ferdinand ruled Spain. And was it indeed a matter of indifference to us and to the world, whether Bonaparte added another kingdom to his European dominions, and that kingdom Spain, with her immense territories and resources in both the Indies? For who does not know, that, with his brother Joseph on the Spanish throne, the French emperor would have commanded him and all his subjects?

The same gentleman from Georgia also asked, Whether the minority did not expect that indemnities would have been demanded of France, for all the injuries we had sustained from the execution of the Berlin and Milan decrees? And then affirmed, that such indemnities would have been demanded, although the eagles of Bonaparte had been erected on the walls of Moscow! So sir, in the words of the poet, often quoted, you may “call up spirits from the vasty deep”—but will they come when called? Sir, the President himself, who has so often mentioned the *just expectations*—the *authorized expectations* of such indemnities, cannot expect any will be obtained. General Armstrong when our minister in France, having in a letter to Mr. Madison, mentioned the enormous spoliations of American property, particularly, I think, under the Rambouillet decree, declared, *that their very magnitude forbade all hope of restoration*. Sir, there is not a member of this house that sets any value on his reputation as a man of sense, who will expose himself to ridicule, by saying that he expects France will give indemnities for her immense depredations on our commerce—which amount to at least thirty millions of dollars. Mr. Chairman, I will notice but one thing more, which fell from the gentleman from Georgia: He said he would continue the war a hundred years, rather than subject American seamen to impressment! Sir, without questioning the

profound wisdom of this sentiment, I will barely remark, that were the war to be continued but for a small portion only of that period, we should have neither ships nor seamen: a consummation, as I have before observed, undoubtedly corresponding with the wishes of Mr. Jefferson, and his genuine disciples.

Mr. Chairman, in the course of the debates on the loan-bill, some gentleman spoke of the Russian mediation, on which I had publicly written, stating that the Russian minister, Mr. Daschkoff, had made an offer of it, without orders from his government—whereas it now appeared, from the documents lately communicated by the president, that Mr. Daschkoff, *was instructed* to offer the mediation of his master, the emperor Alexander, to effect a peace between the United States and Great Britain: and the gentleman expressed his expectation that my candor would induce me to acknowledge I had been in an error. Sir, I shall never hesitate, on proper evidence, to confess an error: but in this case I have nothing to retract. I publicly announced, that my whole statement rested on the information I had received—but received from a gentleman on whose correctness I relied. And, sir, I still think the reliance was just. I entertain no doubt, that a *verbal* offer was made without instructions, and *rejected*. The gentleman's information, as I stated it, came down to the 6th of March 1813; to which Mr. Daschkoff had received no instructions. And within a few days I have learnt, very accidentally, *though from an authentic source*, that it was on the same 6th of March, and I understand, on the evening of that day the despatches, containing Mr. Daschkoff's instructions, came to his hands. And on the 8th of March he tendered the mediation, in a letter to the secretary of state.

Here, sir, give me leave to notice the advantage attempted to be taken, by different gentlemen, of one expression in Mr. Daschkoff's letter, to justify our government in declaring war. Mr. Daschkoff says—"His majesty, who takes pleasure in doing justice to the wisdom of the government of the United States of America, is convinced that it has done all that it could do to prevent this rupture." If, sir, such a sentiment be expressed in Mr. Daschkoff's instructions from his government, it must be viewed as one of those diplomatic compliments which mean nothing; and which, if taken seriously by a diplomatist of any experience, would render him ridiculous. And unquestionably an equal compliment, whatever it might be, was paid to the British, as to the American government. But certainly the Russian government could not have expected that either would have been published to the world. And if we suppose the sentiment was expressed to the American government, *exclusively*, we must also suppose that the emperor Alexander was willing to charge the government of his distinguished ally, Great Britain, with a conduct directly opposite to that of the American govern-

ment; that is, as persisting in claims unreasonable and unjust; a supposition not easily to be admitted; because the imputation is grossly affrontive to Great Britain. But after all, (as drowning men will catch at straws,) of what value is the sentiment, if really expressed in Mr. Daschkoff's instructions? What does the emperor Alexander know of the merits of the controversy which, for so many years, has been kept up between our own and the British government? Who can be weak enough to imagine, that amidst the cares of his vast empire, he has spent any time in examining the many volumes of letters and other documents, which have been written and published on this subject? The number even of American citizens, who have read them with the critical attention requisite to the forming of a correct opinion, is very small.—Nor is it credible that the Russian minister of state, Count Romonzow, was sufficiently acquainted with the controversy, to have pronounced such a definitive opinion. And therefore, if he did entertain that opinion, it must have been formed on the information given him, on *one side* of the question, by Mr. Adams: a circumstance, if true, that would show how ill qualified was the Russian minister of state, to act, in the name of the emperor, the part of a mediator. The case was simply this: The emperor knew that war had taken place, between the United States and Great Britain; and was solicitous to effect a reconciliation: because he wished for the uninterrupted and undiminished aid of his great ally, in the common cause of Europe, against the dangerous power of France; and at the same time, that his subjects, who had been long suffering under the French emperor's continental system, might enjoy all the benefits of a free commerce with the United States.

By the papers communicated about the Russian mediation, it appears that the British minister at St. Petersburg offered to give a passport to an American vessel, to proceed to the United States with the despatches of Mr. Adams and those of the Russian government, containing the offer of its mediation, *provided the vessel should touch in England*: a condition with which Mr. Adams says "he did not think it suitable to comply." Why it was not suitable, is not intimated. Had the vessel been despatched, and touched in England, she might have brought with her the decision of the British government, *not to accept the mediation*; and thus have prevented the useless mission to Russia, and the delay, for near a year, of measures for a direct negotiation, to put an end to the war, *if that was really desired*.

There are many other topics, Mr. Chairman, which have been introduced into this debate, and which I intended to notice; but weary of the subject, I shall pass them by; and conclude with a few observations on the army and navy of the United States, as employed in the present war.

In the debate on the bill for filling the ranks of the army, in order to continue the war, one reason assigned was—"to redeem

the military character of the country." Sir, I do not think it needs redemption; I mean, that I do not think our *country* disgraced. The like materials for an army exist as in the time of our revolutionary war. But soldiers are not formed in a day. New officers and new men require much and long instruction. Soldiers taken from the tranquil walks of civil life, must pass through a course of strict discipline, and be gradually inured to dangers, to acquire the steadiness necessary to meet, on equal terms, the regular troops of an enemy. The uniform exercise of the musket, is the easiest part that soldiers have to learn. To march, to wheel, to change their positions as the scenes of action change, and yet preserve their order, are the difficult parts of duty. If without such essential preparation our troops have been led into action, diasters were to have been expected.

Entirely different is our naval war. There both officers and men have already learnt to march on the mountain wave; and their minds are familiar with danger—with the perils of storms and tempests that would appal the hearts of landsmen. They are also, as seamen, perfectly skilled in all the movements and manœuvres rendered necessary by changes of the wind or the conduct of the enemy: and nearly all they want besides, at the breaking out of war, is to learn the exercise of cannon—a work of ten or fifteen days. Hence it was, that very early after the commencement of the war of our revolution, our armed vessels met those of the enemy on equal terms, reckoning man for man, and gun for gun. And for myself, I wanted no new proofs of our ability to meet an equal enemy on the seas. That in the encounters which have happened in the present war, a superiority has appeared on the side of the American armed vessels, is not surprizing; when it is considered, that by the war, nearly all our seamen were thrown out of employment; the declaration of war having put an end to our fisheries, and almost annihilated our mercantile navigation: whence it happened that our naval officers had it in their power to man their vessels with a superior class of sailors. The enemy, on the other hand, manning thousands of merchant vessels, and many hundred vessels of war, had their choice of seamen lessened. For a long time, too, they had been almost without an enemy on the ocean; and their only enemy there they had been accustomed almost uniformly to beat, and consequently to *despise*. Hence they had grown over-*confident* and *careless*; circumstances which, even when the forces should be equal, could hardly fail to produce defeat and disgrace.[13]

[13.] Several gentlemen who spoke in the debate on the loan bill, having noticed some parts of the preceding speech, it was intended to offer a brief reply; chiefly for the purpose of correcting some material errors in facts, into which, thro' want of information, they had fallen. But a perversion of what is called the "previous question" (whose legitimate use is to *prevent a decision* of the *main question*, when circumstances should render *any decision in-*

expedient ; but the perverse use of which *compels* the *immediate decision* of the *main question*) this "previous question" having stopped all further debate, Mr. Pickering is constrained to present a few observations, by way of reply, in this note.

A gentleman from Virginia, (Mr. Eppes) glanced at many topics, serving for declamation ; but generally touching only their *surface*, no answer is necessary. What seemed most to have roused his feelings, was the statement made by Mr. P. relative to the embargo of December 1807, enacted on the recommendation of Mr. Jefferson ; which was demonstrated to be a gross imposture, but which, by the deception practised on the people, induced their acquiescence in the measure for above fourteen months, by which a general stagnation of their commerce was effected to the ruin of some—to the grievous damage of multitudes, and to the general injury of the country.—Mr. P. also stated the great extent of the commerce which might have been enjoyed, notwithstanding the French decrees, and the British orders in council, if the embargo had not been imposed ; and he showed, on the statement and opinions of eminent merchants, whose practical knowledge enabled them to form the most correct judgments—that but for the embargo the U. States could have continued to carry on a commerce at least as extensive as they would enjoy in a time of peace, when the European nations should carry on their own commerce, and, as usual, monopolize that with their own colonies.*

* In committing the preceding speech of Mr. P. to writing, for the press, the statement and opinions here referred to, were overlooked. They were as follows :—

If the French decree of Berlin had been resisted, by interdicting the commerce of our citizens with France and her dependencies, or if our government had treated that decree with total disregard, and instead of the embargo, had suffered our merchants to pursue their commerce, according to their own *practical*, and therefore *safe* modes ; then their trade with the British dominions (of more value to them, all things considered, than any and all other commerce) and with the other parts of the world—the dominion and dependencies of France excepted—would have stood thus, according to the treasury report for the year preceding the embargo—that is, from Sept. 30, 1806, to Sept. 30, 1807 :

Domestic exports	\$ 36,109,991
Exports of foreign merchandize first brought into the United States	24,140,495
	\$ 60,250,486
To which add for specie exported to India and China, as not appearing in the treasury reports, estimated at	6,000,000
	\$ 66,250,486

amounting to more than sixty-six millions of dollars.

What, in time of profound peace, would be the amount of our whole foreign trade, was thus estimated by an eminent merchant extensively concerned in it :

Domestic exports	\$ 48,699,592
To China and India, in specie	6,000,000
	\$ 54,699,592
Less in peace than was practicable in the war existing at the time the embargo was laid	11,550,894
	\$ 66,250,486

The exports of foreign merchandize, first imported into the U. States,

The gentleman from Virginia, (Mr. Eppes) instead of attempting himself to controvert the facts or arguments of Mr. P. (which indeed no ingenuity can invalidate) prudently resorted to a speech delivered by Mr. Giles in the senate, in answer to Mr. P's in that body, five years ago, when a proposition for repealing the embargo law, brought the same facts and views under examination. And as they were in their nature too stubborn and too clear to be overthrown and changed, they could be met only by confident assertions and ingenious colorings, accompanied by repeated intimations that they were the offspring of Mr. P's angry passions. Of this kind were the passages in Mr. Giles's speech, selected and read by the gentleman from Virginia. While any person who should compare those speeches would find one free from passion, and the other marked with resentment in almost every sentence relating to Mr. P. and for an obvious reason—his clear and pointed detection of that embargo imposture.

The gentleman from Virginia, (Mr. Eppes) attempted to justify the war for "sailors' rights," by a resolution of the senate on the 14th of April, 1806, relating to impressments and commerce, for which Mr. P. and other federal members of the senate had voted. The gentleman first read from the senate's journal, the motion to strike out the following words in the resolution reported :

"Demand and *insist* upon the restoration of the property of their citizens captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace ; and upon the indemnification of such American citizens, for their losses and damages sustained by those captures and condemnations"—which was determined in the negative, yeas 13, nays 16. Among the negatives are the names of Adams, Bayard, Hillhouse, Pickering, Tracy, White. But the word *insist*, every one knows, does not mean an *irrevocable perseverance* in a demand—much less, that if the opponent refuses to yield what is insisted on, war should be made to enforce it. The two houses of congress often *insist* on their positions or amendments in bills, the consequence of which is, a conference, when they generally agree, one or the other house giving way, or taking together some middle ground. But on further discussion the word *insist* was struck out. And the resolution as adopted by the senate (23 yeas to 7 nays, Mr. P. voting for it) was as follows :

"*Resolved*, That the President of the U. States be requested to demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace ; and the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations ; and to enter into such arrangements with the British government, on this and all other differences subsisting between the two nations (and particularly respecting the impressment of American seamen) as may be consistent with the honor and interests of the United States, and *manifest their earnest desire* to obtain for themselves and their citizens, ~~BY~~ AMICABLE NEGOTIATION, that justice to which they are entitled."

This resolution the gentleman seemed inclined to wield against Mr. P. as if it were the club of Hercules to lay him prostrate at one blow; while for the purpose the gentleman had in view, it is but a *straw* in the hands of—not a

would be so trifling, in time of peace, as to be not worth considering, in forming the estimate of our peace trade. An evidence of this, and of the general correctness of the above statements, appears from a view of our trade in the short peace of eighteen or twenty months, immediately succeeding the treaty of Amiens, in 1801 ; during which the exports from the United States fell from \$ 93,000,513
to 55,800,033

\$ 37,200,480

Showing a diminution of above thirty-seven millions of dollars.

Hercules. The resolution amounts to no more than this: The senate advised Mr. Jefferson to make demands on the British government, relative to certain questions in dispute between G. Britain and the U. States. These, it was known, would be met by opposite demands on the part of that government: and in order to settle the points in controversy, Mr. Jefferson was advised to enter into suitable arrangements, and by AMICABLE NEGOTIATIONS to obtain that justice to which we were entitled. And what is there in all this to give the slightest countenance to the violent measures, and WAR, to which the government has had recourse? Nothing.

The gentleman from Virginia having entered the lists to vindicate Mr. Jefferson on the subject of the embargo, proceeded to pronounce his eulogy: as though former deeds, however good, (if such had been done) would sanction, or atone for subsequent bad ones. He rested his eulogy on two grounds; one, that "Mr. Jefferson was the *first* who taught that man was responsible to God alone for his religious opinions!" This assertion will excite surprize, only because it proves the gentleman's total want of information on the subject. To say nothing of what had been written, proving that point, with the force of demonstration, by the great Mr. Locke, half a century before Mr. Jefferson was born, liberty of conscience, or the right of every individual to think for himself in matters of religion, had been practically established before our revolution, in all the British dominions, with some civil disabilities, indeed, in the parts of those dominions where a particular form of public worship had been established by law: but in a more liberal or absolute sense, in several of the colonies, particularly in Pennsylvania, from its first settlement, a hundred and thirty years ago. But perhaps the gentleman meant to say, that Mr. Jefferson was the first to propose, and to procure the adoption of a law in *Virginia*, abolishing every establishment and provision for the support of the public worship of God—followed by the selling even of the glebe (or parsonage) lands which the early inhabitants had set apart towards the maintenance of the ministers of religion. But Rhode-Island also had been at least equally free with Pennsylvania from any religious establishment, from the foundation of the colony, a hundred and seventy or eighty years ago. Mr. P. however, is ready to admit, that Mr. Jefferson may have been the *first* to teach the doctrine, *That it was immaterial, to the order of society, whether a man believed in "TWENTY GODS or NO GOD;"* because, says Mr. Jefferson, "it neither picks my pocket, nor breaks my leg!"* Of this discovery Mr. Jefferson will probably continue to enjoy the exclusive honor.†

The other ground of the gentleman's eulogy was, that Mr. Jefferson was "the man who drew the declaration of Independence." This, among his partisans, has been a constant theme of praise; although the declaration is little more than a *compilation* from the most abundant public materials, in which the rights of the colonies, and their violation by the British government had been often stated, by distinguished individuals, by various public bodies, and by the Congresses of 1774 & 1775. But what lessens still more the merit of Mr. Jefferson's share of the work, he had amassed such a redundancy of matter, and in such a form, that when his draught was reported to congress, they struck out (greatly to his mortification) a third part of it—made various amendments of the remainder—and introduced, what Mr. Jefferson had wholly omitted, an appeal to the Supreme Being, and an acknowledgement of his superintending Providence. Mr. P. speaks positively

* Mr. Jefferson's Notes on Virginia, answer to Query XVII.

† Mr. Locke entertained a different opinion: and it is the more remarkable, as it is expressed in his work on Toleration. He says, "Those are not to be tolerated who deny the being of a God. Promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all."

on this point, because he has seen and compared a copy, in Mr. Jefferson's own hand writing, of his original draught, as reported to Congress, with the declaration as pruned, amended, and adopted by that body. There is one correct and liberal sentiment in the declaration, to the credit of which Mr. P. believes Mr. Jefferson is entitled; and this is not the less credible, although his subsequent conduct has been so little in unison with it. Having adverted to the address and warnings of Congress to their British brethren, on the subject of their grievances; and remarked, that "they too had been deaf to the voice of justice and consanguinity,"—the declaration draws this solemn conclusion—"We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, IN PEACE FRIENDS."

In reference to the attempts to settle our differences with Great Britain, I think it was the gentleman from Virginia who spoke of "the uniform conciliating disposition of this country," and mentioning the arrangement made with Mr. Erskine, he asked, "if any one would deny it to be sincere?" Mr. P. could answer, not only for himself, but for the great body of federalists, that, in their opinion, neither that nor any other negotiation with Great Britain has been conducted with sincerity, from 1804, to the declaration of war in 1812. But he will quote an opinion on this point, which ought to be received with peculiar confidence by the friends of the administration, because it is the opinion of a gentleman, not only of long experience and distinguished discernment in public affairs, but who, it is natural to presume, stands high in the confidence of the present President, by whom he has been selected as one of the commissioners to negotiate a peace with Great Britain: I mean Mr. Bayard. This gentleman, in a memorable speech in the senate, five years ago, as addressing the administration, says, "*Your measures have not been impartial, as to the belligerents, and your negotiations have not been sincere as to England.*" Mr. Bayard stated at large the grounds of his opinion; and having mentioned, with regret, the otherwise unaccountable rejection, by Mr. Jefferson, of the treaty concluded with Great Britain, on the 31st of December, 1806, by his own favorite ministers, Monroe and Pinckney; he adds, "But in this lies the secret—a secret I will dare to pronounce: *your president never meant to have a treaty with G. Britain.* If he had intended it, he would have taken the treaty of the 31st of December, 1806. If he had intended it, he would never have fettered the commissioners with *sine qua nons*. [indispensable conditions] which were insuperable. It was an invariable article in the instructions, to form no treaty, unless the claim to search merchant vessels for deserters, was utterly abandoned: *this was never expected*; and at the arduous crisis [in the affairs of G. Britain,] at which it was insisted upon, it was impossible to expect it." To this just conclusion of Mr. Bayard, a conclusion necessarily formed, on a full knowledge of the proceedings of the administration for many years, in regard to Great Britain—Mr. P. will add Mr. Jefferson's own explicit acknowledgment to a friend, *that he did not desire any treaty with Great Britain.* This was about the time, in 1807, when he had peremptorily rejected Monroe and Pinckney's treaty: and he gave as a reason, that a treaty with G. Britain was of little or no consequence; because, within a year, she would cease to be an independent nation! If such was really his opinion, and so great his ignorance of the power and resources of G. Britain, that in 1807, she could not maintain her independance more than a year—how little is he entitled to the character ascribed to him by his followers, of a well informed, sagacious and profound statesman? But during all this time, and indeed throughout his administration, Mr. Jefferson let slip no opportunity of professing his friendly and conciliatory dispositions towards Great Britain; and after he had refused to accept Monroe and Pinckney's treaty, he directed them to renew the negotiations, professing again his "conciliatory sentiments," and "sincere desire that no circumstance whatever,

might obstruct the prosecution of experiments, for putting an end to differences, which ought no longer to exist between two nations, having so many motives to establish and cherish mutual friendship."‡ And two months after this, though determined to decline any arrangement, "which did not comprise a provision against impressments from American vessels, on the high seas;" yet, "persevering at the same time, in his *earnest desire* to establish the harmony of the two nations, on a proper foundation;" he gave instructions to renew the negotiations.§

In the petulant speech of the gentleman from Vermont, (Mr. Fisk) two things only merit Mr. P's notice, and this merely for the purpose of correcting what the gentleman offered as statements of *facts*. The first, that the number of impressed seamen from Salem alone, amounted to 150. The gentleman's statement rests on the information he said he had received—Mr. P. has no hesitation in pronouncing the information utterly unfounded. The whole mass of evidence contained in the depositions which Mr. P. read and referred to, in the course of his speaking, renders the gentleman's information altogether unworthy of credit.

The other exhibition of a supposed *fact*, respects the amount of French spoliations; a subject with which the gentleman appears to be wholly unacquainted. Instead of twenty or thirty millions of dollars, he said they amounted only to three millions—and referred to the Louisiana treaty for the fact. But the gentleman has mistaken the provision in the treaty, relating to the purchase of Louisiana, to pay *debts* due to American merchants, for an *indemnity* for *spoliations* on their commerce. The secretary of state (Mr. Monroe) in his correspondence with the British minister, Mr. Foster, having strangely committed the like mistake, it becomes the more necessary to give a statement of the real facts.

In a preceding note [4] the French spoliations, prior to the treaty of September 30, 1800, are, on the best attainable grounds, estimated at twenty millions of dollars. These were by that treaty *wholly abandoned* by the U. States, for the reasons given in that note. But the *French government itself*, was *indebted* to the American merchants, for supplies of provisions and other articles, to a large amount, and for injuries to their vessels and other property in the ports of France, long detained by a wanton embargo. And as a small number of vessels were captured during our naval hostilities with France, (which of course would be considered prizes of war) but which at the date of the above-mentioned treaty were not definitively condemned—these agreeably to the 4th article, were to be restored or paid for. By the 5th article of that treaty, France stipulated to pay the debts above-mentioned. They remained unpaid, however, until provision was made for them in the Louisiana treaty concluded the 30th of April, 1803. The purchase of that province, every one knows, cost the United States fifteen millions of dollars. The probability is, that it might have been purchased for ten millions; and that the five millions more were added, to make provision for the payment of the debts due from the *French government* to the American merchants. And yet only three millions and three-quarters of dollars, were reserved of the purchase money, to discharge those debts. It had been better, therefore, if the United States had undertaken to pay them; especially as the French board and other officers, in the end, fleeced the American merchants whose claims were admitted, of one-fifth or one-fourth of their dues, and choused others out of their whole debts.

To ascertain what claims of debts due to American citizens were just, and comprehended in the provisions of the treaty, a board consisting of

‡ Letter from Mr. Madison, secretary of state, March 18, 1807, to Messrs. Monroe and Pinkney.

§ Letter from the same to the same, May 20, 1807.

three Americans, was constituted by the American minister in Paris, [the late Chancellor Livingston] to examine and certify them. Some boards of French officers were also authorised to intermeddle in their examination. This was necessary, and unquestionably designed, as by the provisions of the 10th article of the treaty, to render practicable, a vast project of swindling. For the three millions and three-quarters of dollars, were intended solely and exclusively, to discharge those debts: the French government could not make, nor did make any pretensions to any portion of that sum. This was expressly avowed by the French minister Marbois. Nevertheless, under the pretence of preventing the admission, of improper, unjust or exorbitant claims, *or the rejection of valid claims*, the French bureaux, or board of officers, were authorised to interpose their opinions; and the final report of the American and French examiners, was to be sent to the minister of the French treasury, "on whose report the *French government* should decide definitively in every case." This provision of the treaty, placed the American claimants at the mercy of the officers of the French government. The consequence was, that to ensure the allowance of an honest claim, the agents for the American creditors, were obliged to sacrifice one-fifth or one-fourth of it, by way of *douceur* or bribe, to the French officers. This course of corrupt proceeding, was stated to me a few years ago, at one of the public offices in this city, in such manner as to preclude all doubt of the fact. Moreover, the rejection of honest claims [as where the agents of the claimants had not been instructed, and did not feel themselves at liberty, to sacrifice in bribes, any, and especially such large proportions of the whole debts,] made room for the admission of dishonest and exorbitant claims, of which the agents, or dishonest claimants, would of course, not hesitate to give one half, to obtain for themselves the other half.

Thus it appears, that the Louisiana treaty had no relation to French spoliations, as the gentleman from Vermont supposed. How it happened that Mr. Monroe should commit the same mistake is not a little surprising—seeing he was associated with Mr. Livingston in negotiating and concluding that treaty. In his correspondence with Mr. Foster in the year 1811, in which he undertakes to justify our government for taking possession of the Spanish province of West Florida, he talks of a long catalogue of injuries received by the United States from Spain, but mentions only *two*; one, the spoliations committed on our commerce, [after Spain became the ally of France, and which has already been fully explained,] and the other, the suppression or interruption, of the right of deposit at N. Orleans, [which also has before been explained.] "For neither of which injuries [said Mr. Monroe,] has any reparation or atonement been made. For injuries like those of the first class [spoliations] it is known to you that G. Britain and France made indemnity." The assertion is true as to Great Britain: *but wholly unfounded as to France*; for whose spoliations, amounting to fifty millions of dollars, no reparation has ever been made.

Having been led to notice the conduct of our government towards Spain, particularly in relation to the Floridas; and in doing this, to have recourse to the correspondence between the Secretary of State, [Mr. Monroe] & Mr. Foster, the British minister, Mr. F. ought not to omit the following part of that correspondence. Mr. Foster in his letter of Sept. 5, 1811, having mentioned the proceedings of gen. Matthews in East Florida, where, as Mr. Foster was informed, he was 'taking steps to subvert the Spanish authority,' and 'by bribery and every art of seduction, endeavoring to infuse a spirit of rebellion into the subjects of the king of Spain in that quarter'—He then requests Mr. Monroe to inform him 'upon what authority he [Matthews] was acting, and what measures had been taken to put a stop to his proceedings. To this letter Mr. Monroe delays an answer until Nov. 2, almost two months; and then fills several pages about and about East Florida, and the claims of the United States against Spain, *but most carefully avoids saying one word in answer to Mr. Foster's request for information relative to the*

doings of general Matthews : which studied omission amounts to a confession, [of what indeed no man of common sense and information can doubt] that general Matthews was employed by president Madison, by intrigues, by bribery, and by force, to seduce the Spanish subjects from their allegiance. And yet Mr. Madison, the political *Head* of the American nation, was the person who, in a public message to congress, could affect to be so deeply wounded in his *moral* feelings by the conduct of the *governor* of a British *province*, [which Mr. Madison represented as an act of the British government] in employing the infamous John Henry to intrigue with the citizens of Boston for some purpose favorable to G. Britain ! Mr. Madison too, had the assurance to speak, in that message, in a language importing that Henry had actually intrigued with citizens of Boston, when, by his own statement, it appeared that he had not opened his lips to any one of them on the subject of his mission ! That whole transaction is stamped with deceit and baseness. Mr. Madison, or [which is the same thing] the Secretary of State, receives a letter from Henry appearing on the face of it to be from Philadelphia, containing the disclosure of the real or pretended plot ; yet bearing date a number of days after Henry had been at Washington, and actually received fifty thousand dollars as a reward for his disclosure !

A very few things in the speech of another gentleman from Virginia, [Mr. Nelson] require to be noticed by Mr. P.

In exposing Mr. Jefferson's embargo imposture, Mr. P. mentioned the safe and extensive commerce, that our merchants might have continued to carry on, notwithstanding the French decrees, and the British orders in council—if that embargo had not locked up our vessels in our harbors. In opposition to this, the gentleman from Virginia, [Mr. Nelson] asserted that nine vessels out of ten, that went to sea about the time that the embargo was laid, were swept from the ocean. The gentleman has relied not upon his own knowledge of the fact, but on the partial and imperfect statement of some other person. If the vessels referred to were destined to the ports of France and her allies, it is not improbable that the greater part were taken by British cruisers, under the orders in council. But no prudent merchant would, after notice of those orders, attempt to send his vessels to France ; the risk, from the great number of British cruisers on the seas, being equal, perhaps, to 80 or 90 per cent. And it merits particular notice, that while French decrees have been made to operate instantly [and some *retroactively*] against neutral vessels—the British orders in council of November 11, 1807, were stayed in their execution, for a reasonable time ; for notice of them to reach different places, proportioned to their distances from England, before such vessels should be liable to condemnation. Such as commenced their voyages before notice of the orders reached the places of their departure, were to be warned, if met by British cruisers, not to proceed to the ports of France or her allies—and were not to be captured, unless found proceeding afterwards contrary to such notice. And by another order in council, of November 25, 1807, the times for gaining notice of the orders of the 11th, were precisely fixed ; in the United States, to the 20th of January following : that is, seventy days were allowed for that purpose : so that American vessels sailing from American ports, prior to the 20th of January 1808, were not liable to capture under the orders of November 11, although destined to ports of France, or other enemies of G. Britain

And to see how little danger attended American vessels going to any other countries, we need only resort to a report from the secretary of the treasury, of the number of our merchant vessels, which during Mr. Jefferson's embargo, were permitted to sail, with the real design, or under the plausible pretext, of bringing home American property, remaining in foreign countries at the time that the embargo was laid. The whole number so permitted to sail was 594, nearly all of which returned in safety. Thirteen only were lost by all casualties, and of those thirteen, seven were cap-

tured by our own cruisers. Hence it appears, that the whole risk of those 594 vessels, was little more than a sea risk in time of peace.

The gentleman said, "He knew the hostility of England to free governments." It is really astonishing, that gentlemen who are the descendants of Englishmen in this country and whose best birth rights are the same liberties that Englishmen enjoy, should entertain the preposterous idea, that England is the enemy to free governments; when her's and our's are the only free governments on earth! it is *most* astonishing, when such erroneous notions are broached by gentlemen of the profession of the law; whose studies lead them to acquire a correct knowledge of the English constitution, and of the liberties of Englishmen. Can they name a single liberty which citizens of the United States enjoy, that is not also enjoyed by Englishmen? Both have the same common law; the same security for life, liberty and property, in the trial by jury—the same writ of habeas corpus to rescue from the hands of great or little tyrants, the bodies of persons arrested or imprisoned contrary to law—and the same right of exemption from taxes, unless granted by themselves, or their representatives. And surely every gentleman of the law will admit, that in no country on the globe, is justice administered with greater ability and purity, than in England.

But the people have it continually rung in their ears, that England is a *monarchy*, and the United States a *republic*; and they are deceived into the opinion, that *monarchy* is but another word for *despotism*, where all the subjects are *slaves*; & that *republic* means *liberty*, where all the subjects or citizens are *free*. The truth is, both countries, in respect to the forms of government, are monarchies, and both at the same time republics. The English monarch, or chief magistrate, is called King, the American monarch, or chief magistrate, is called President. The powers of the king and president are somewhat different. One, by himself or his ministers, *appoints* to the multitude of offices civil and military in the kingdom—the other *nominates* to all offices civil and military, and with the advice and consent of the senate *appoints*; but the president can *remove* all officers at his pleasure, excepting the *judges*, but neither can the king of England remove the *judges*—In both countries they hold their offices during good behaviour. In the United States, the power of appointing to some offices is vested in the heads of departments, as in the post-office: but if the post-master-general appoints a deputy whom the president, or his supporters, whether *blinded by passion or interest, or influenced by party views*, disapprove, the president removes the principal. This has recently been exemplified in the case of the post-master-general, Mr. Granger. The king of England may declare war, as well as make peace: but he will do neither without the advice of his cabinet ministers and council, and these will seldom dare advise either but in conformity with the apparent opinions and wishes of a majority of the people. The president can indeed only *recommend* a war—the assent of congress is indispensable to its declaration. But the influence of the immense number of offices in the president's gift, and especially the *force of party* of which *He* is the *Head*, will generally enable him to carry any point he wishes almost with *certainty*, where *party views* and *interests* coincide with the *measure* or the *man*, bearing the president's recommendation.

The chief magistrate of England becomes such by birth or descent; whence it may happen, that a child or person insane may be the king; but they know and apply the proper remedy—a *regency*, by one or more competent man or men.

But the president is a chief magistrate of our own choice! This is true in theory, and false in fact. Mr. Madison has been twice imposed on the people for their president, by a caucus composed of members of congress, although by the constitution members of congress are forbidden to be electors of the president. The American monarch too, is but the chief of a *party*, while the monarch of England is the chief of the *whole nation*.

The Senators of England [called the Lords] *inherit* their titles and places—the Senators of the United States are *elected* for six years by the respective State Legislatures.

In both countries, the members of the Commons, or Houses of Representatives, are chosen by the people. In England it is said there is corruption in the elections—and is there none in the United States? In England, the electors are treated with beer—in America, with whiskey. In England it is said money is used to corrupt the electors—in America, the multitudes of offices in the president-monarch's gift, by being conferred exclusively (a few military offices in the present desperate war excepted) on one political sect, become bribes in his hands, to retain his present adherents, and gain proselytes from the ranks of his opponents, in which there are some men too feeble in mind, or too unstable in principle, to resist the lure of office.

In this sketch of the governments of England and the U. States, Mr. P. has aimed at a simple representation of what exists in fact and practice. He offers no inferences—discerning readers will make their own. That both are monarchies, the one elective, the other hereditary, or both republics, is unquestionably true. But whatever they may be called, that they are substantially the same, Mr. P. will need quote but one authority, which must be decisive with all true democratic republicans—for it is the authority of Mr. Jefferson himself. In his famous letter to his friend Mazzei, he says of the federalists, who framed and adopted the present Constitution of the U. States—"Their avowed object is to impose on us the *substance*, as they have already given us the *form* of the BRITISH GOVERNMENT."

But notwithstanding this affected abhorrence, by Mr. Jefferson, of this anglo-monarchico-constitution of the United States, perhaps scarcely any ambitious intriguer for a throne ever strove more industriously, and by various means to acquire it, than did Mr. Jefferson to obtain the presidency of the United States. And being thus seated in the great chair of state, he never attempted (at least I have never heard of an attempt) to change the constitution to one which should, in his view, be more truly republican. The only change made in it, during his administration, was a mischievous one; and its object was *to secure his own re-election*, without the hazard of a competition like that which happened in his first election. One of the strong objections to this change was, that it would naturally lead to the choice of a *weak* and *incompetent* person for the *vice-president*: an officer who ought always to possess the eminent talents and virtues fitting a man to execute the office of *president*; because upon the president's death, inability, or removal, the duties of his office devolved on the vice-president. And for this the constitution, as originally established, had made the proper provision.

The gentleman from Virginia, [Mr. Nelson] with other gentlemen on the same side of the house, complain of every statement or remark importing any influence of France in the measures of our government; and yet seem not at all unwilling to have it thought that British influence prevails on the other side of the house. Mr. P. and his friends make no charges of French influence against any honorable men. They only state facts and circumstances, and if from a view of these there appears to have been a concert & correspondence of measures and views of our own government with those of France—whether the cause be ascribed to French influence, or French attachment, on one hand, and inveterate, unrelenting hatred to England on the other—hitherto prompting the wish for success to the arms of France, whose despotic ruler had destroyed the independence of many states, & was hastening to subjugate the rest, while with equal ardor they anxiously wished for the overthrow of England—whose downfall must necessarily have been followed by our own: to whatever cause the actual coincidence of American and French measures is to be ascribed; such is unquestionably the fact. The best interests of the United States have been sacri-

ficed, and their safety and independence hazarded, to further the views and increase the destroying power of France, to whose tyrant nothing was wanting but the subjugation of England, to make him master of the world. And for that subjugation all the genuine disciples of Mr. Jefferson, and his successor, Mr. Madison, and the constant and zealous supporters of their measures must have ardently wished: for certainly their measures were calculated to produce that result. Who has forgotten the impious wish of a member from South-Carolina, [David R. Williams] expressed some four years ago, on the floor of the house of representatives? *that he could command the red artillery of heaven—and he would drive the fust anchored isle from her moorings!* Meaning, that he would make a wreck of the island of Great Britain, or sink it in the sea! Mr. P. is aware of a secret motive, of most powerful influence, for keeping alive and strengthening the popular passions relative to France and England: it was very much by cherishing those opposite passions (love to France and hatred to England) that the present ruling party rose to power: and to preserve it in the same hands, the force of those passions must not be suffered to abate; much less to *change*; for with that change, political power, in the national government, would forthwith be transferred to other hands. And the like change would take place in the administration of the governments of those states which remain under the influence of the popular delusion. The propagation of this delusion was successfully carried on, even during the administration of Washington: for though none had the hardihood to charge him as a friend to monarchy and aristocracy, the slander was industriously spread, and continually repeated, that his principal followers and supporters were all monarchists and aristocrats. While Mr. Jefferson and Mr. Madison, forsooth, were pure republicans, true patriots, men of virtue and integrity, and withal very great statesmen!—It was this erroneous opinion of these two citizens on which the popular delusion was bottomed, and is still maintained—connected with the popular feelings [excited in our revolutionary war] in favor of France, and in opposition to England: and until the popular opinion of those two men be exactly reversed, by a disclosure of their true characters, the popular delusion will probably continue.
